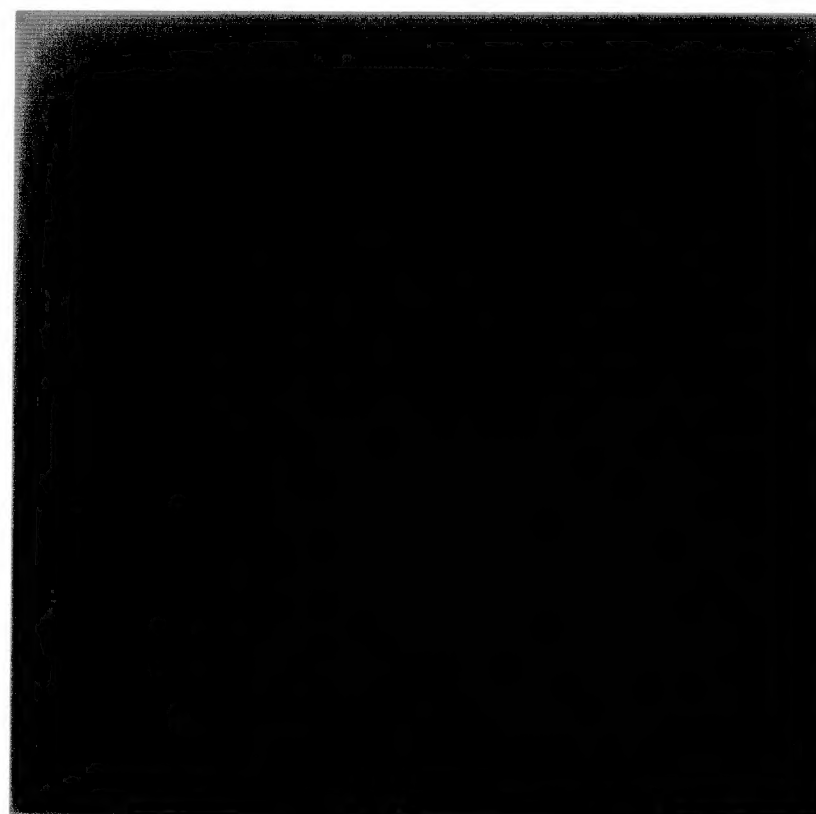
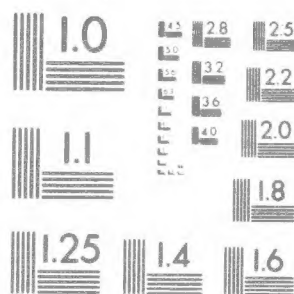
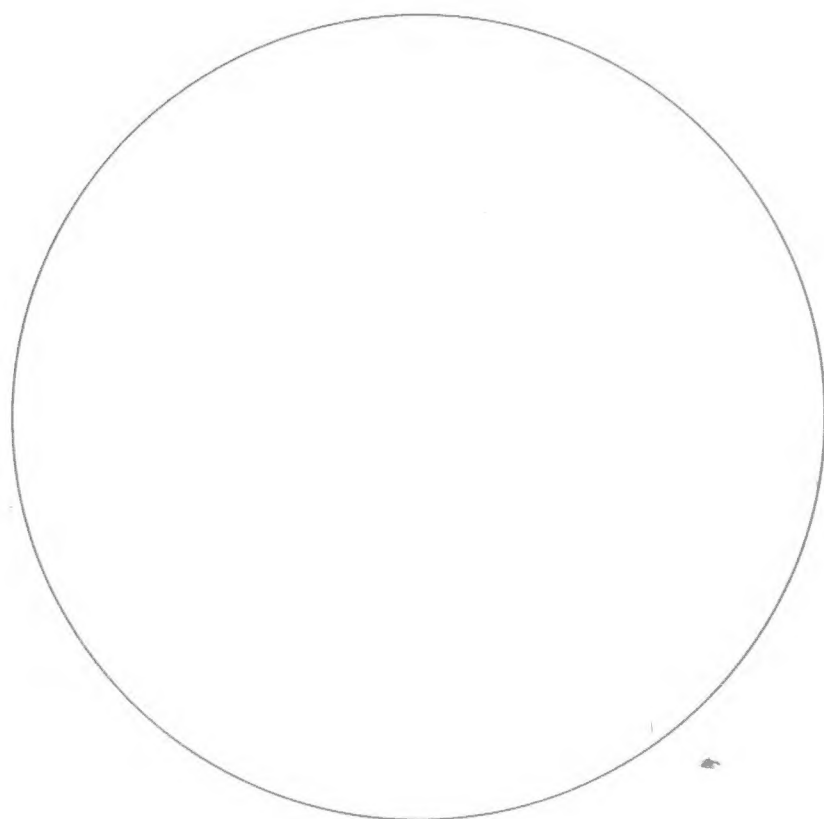
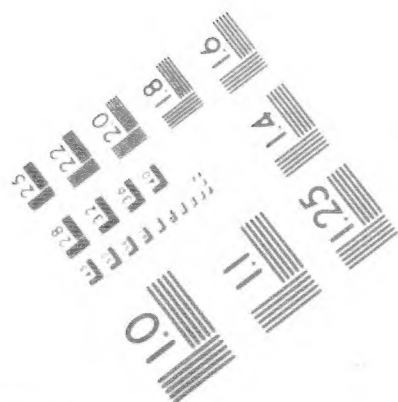


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 62

CHOCTAW R63 - R228

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

R. 63

Frank Cummings

FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAW.

REFER TO M.O.R. 587

CHOCTAW.

R 64

William Cummings

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. - 586.

CHOCTAW.

R. 65

Laurens Cummings

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. G. R. #585.

CHOCTAW.

R. 8

Eva Cummings

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 584.

CHOCTAW.

R. W.

William C. Cunningham

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #370

MISSISSIPPI CHOCTAW

R. 68

C. C. Cunningham

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. 1367

Choc R69 J. L. Cunningham

698

Commission to the Five Civilized Tribes,

Burns, Indian Territory.

In the application of J. J. Cunningham for enrollment as a
Choctaw, being sworn and examined by Com'r McKenna as testified,

Q What is your name? A J. J. Cunningham.

Q How old are you? A Fifty.

Q Have ever you been on the choctaw or chickenaw rolls?

A No sir.

Q Your father and mother ever been on the rolls here? A No sir.

Q You were born and raised in Texas? A Yes sir.

Q When did you come from Texas here? A A while ago year ago.

Q What time? A In August, I think 1898.

Q You moved here then? A No sir.

Q Are you still living in Texas? A No sir.

Q When did you move here? A In October of last year.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to the above named Commission that the
transcript is a true, full and correct translation of
my stenographic notes.

W. D. Green

7-2-69.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J. L. Cunningham
for enrollment as a citizen of the Choctaw Nation.

DECISION :-

The record in this case shows that the applicant, J. L. Cunningham, appeared before the Commission at Durant, Indian Territory, at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for enrollment as a citizen of the Choctaw Nation.

It appears from the evidence submitted that the applicant, J. L. Cunningham, lived in the state of Texas all his life, until August, 1898.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever

(2).

been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

Neither has the applicant ever been married in accordance with the tribal laws of the Choctaw Nation, to a recognized and enrolled citizen of that nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 23, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495) provides:

(3).

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cheatew and Chickasaw citizenship under the treaties and the laws of said tribes."

And also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any Tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that J. L. Cunningham is not lawfully entitled to be enrolled as a member of the Cheatew Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAY 19 1902

Acting CHAIRMAN.

COMMISSIONER.

Commissioner.

1200.
COPY
Huskogee, Indian Territory, May 19, 1902.

J. L. Cunningham,

Bartons, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

James H. Hixby

Acting Chairman.

1 inclosure,
Registered.

7 12 50.

COPY

Washburn, Indian Territory, May 19, 1902.

Manfield, Murray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of J. L. Cunningham as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED: *Tamir Kirby*
Acting Chairman.

1 inclosure.

7 R. 08.

COPY

Wahkago, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of J. L. Cunningham for the enrollment of himself as a citizen of the Cheataw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of J. L. Cunningham as a citizen of said nation.

Respectfully,

James Dixby,
Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Ind.
30860-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of J. L. Cunningham for enrollment as a Cheetaw. The Commission to the Five Civilized Tribes refused enrollment.

From the record it appears that the applicant makes no claim as a Mississippi Cheetaw; that he was never on the Cheetaw rolls or in any way recognized as a Cheetaw citizen.

It is the opinion of this office that the Commission had no authority to enroll this applicant and I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

H. B. S.

COPY.

D.C.10534-1902.

Y.

Department of the Interior.

I.T.D.3704-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of J. L. Cunningham as a citizen of the Choctaw Nation. You rejected the application because Cunningham has never been enrolled or admitted as a Choctaw citizen, and had not lived in Indian Territory prior to June 23, 1895. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw N-89.

Muskogee, Indian Territory, July 1, 1902.

Manafield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 11, 1902, refusing the application made by J. L. Cunningham for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

W-103

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw B-69.

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

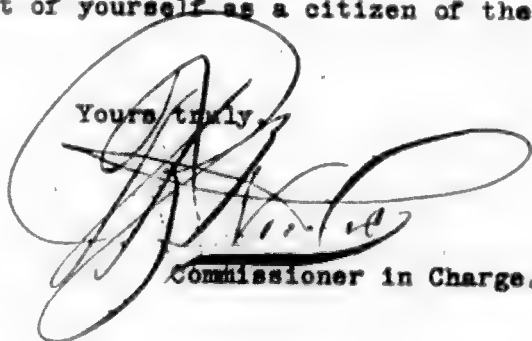
Muskogee, Indian Territory, July 1, 1902.

J. L. Cunningham,
Durant, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,



Commissioner in Charge.

REFUSED

COPIES OF DECISION FORWARDED
TO APPLICANT

MAY

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19

COPIES OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

COPIES OF DEPARTMENTAL ACTION
MAILED AT TOMBIGBE FOR CHOCTAW
AND CHICKSAW NATIONS

JUL -1 1902

Choc R70 Sarah F. Davis

R70

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Sarah F. Davis as a Choctaw; being sworn and examined by Gen'r McKennon she testifies;

Q What is your name? A Sarah F. Davis.

Q How old are you? A Thirty-three.

Q Where were you born? A In Illinois.

Q How old were you when you left Illinois? A I was past two years old.

Q Where did you go to? A To Texas.

Q How long did you live in Texas? A About three years.

Q Then went where? A I came here.

Q How long did you live here then? A I lived here about three years, and my father and mother died, and I went to Missouri.

Q You have been living there ever since? A Up until the last two years.

Q When did you come here? A 10th day of this September, two years ago.

Q 10th day of September 1897? A Yes sir.

Q Did you have a family then? A Yes sir.

Q Did you move your family and household goods here then?

A Yes sir.

Q Where did you stop? A Here at South McAlester.

Q Did you have a husband then? A Yes sir.

Q What is his name? A Sanford Davis.

Q You have been living here ever since? A Yes sir.

Q You never lived in the Territory but three years before?

A About three, I came here in 1878 and I lived here until 1882.

Q You said you lived here about three years? A Well I was just guessing it.

Q Do you know what time you came in 1878? A It was in the fall.

Sarah F. Davis (#2)

Q What time did you go away? A In August.

Q You have been residing in Missouri have you? A Yes sir,
up until the last two years.

COM'R McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that my official work as
stenographer for the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. O. McKeen

7-2-90.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah F. Davis
for the enrollment of herself as a citizen of the Choctaw Nation.

--- D E C I S I O N ---

The record in this case shows that the applicant, Sarah F. Davis, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the

(2).

Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 521).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 22, 1896, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 22, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls each name as may have been placed thereon by fraud or without authority of law, so that only as may have lawful claim thereon shall their names be placed upon such rolls. This made, the same Indian rolls shall be prepared as may be required to Choctaw and Chickasaw citizenship under the treaties

and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stat., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Sarah F. Davis is not lawfully entitled to be enrolled as a member of the Chectaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY -9 1902


Acting Chairman.

Commissioner.

Commissioner.

Choctaw R 70

COPY.

Muskogee, Indian Territory, May 9, 1902.

Sarah F. Davis,

McAlester, Indian Territory,

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *I. B. Needles*

Commissioner in charge.

1 inclosure
Choctaw R 70
Registered.

Chester N 70

COPY.

Muskogee, Indian Territory, May 9, 1908.

Mansfield, McMurphy & Cornish,

Attorneys for the Chester and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah F. Davis as a citizen of the Chickasaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. B. Needles.

Commissioner in Charge.

1 Inclosure
Chester N 70

COPY

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Sarah F. Davis for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Sarah F. Davis as a citizen of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw N 70

Through the Commissioner
of Indian Affairs.

COPY.

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record in the matter of the application of Sarah F. Davis for enrollment as a Choctaw citizen.

The Commission to the Five Civilized Tribes refused to enroll the applicant.

From the record it appears that the applicant was never enrolled, admitted or recognized as a Choctaw citizen.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900 the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission rejecting this application be approved.

Very respectfully,

Your obedient servant,

(E.S.S.) P.

A.C. Tonner,
Acting Commissioner

COPY.

D. C. No. 10007

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3499-1902.
I.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of application for enrollment of Sarah F. Davis as a citizen of the Choctaw Nation. You refused the application because the applicant has never been duly enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan.

Acting Secretary,

E. M. D.

Choctaw
No. 2, 70.

COPY.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior under date of June 9, 1902 affirmed the decision of the Commission dated May 9, 1902 refusing the application made by Sarah P. Davis, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES,
TANS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chec.R. 70.

Muskogee, Indian Territory June 23, 1902.

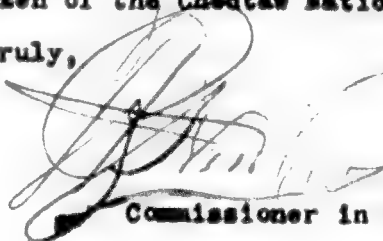
Sarah F. Davis,

McAlester, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior under date of June 9, 1902 affirmed the decision of the Commission dated May 9, 1902 refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,



Commissioner in Charge.

CHOCTAW

In the matter of the application
Sarah F. Davis for enrollment as a
citizen of the Choctaw Nation.

REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

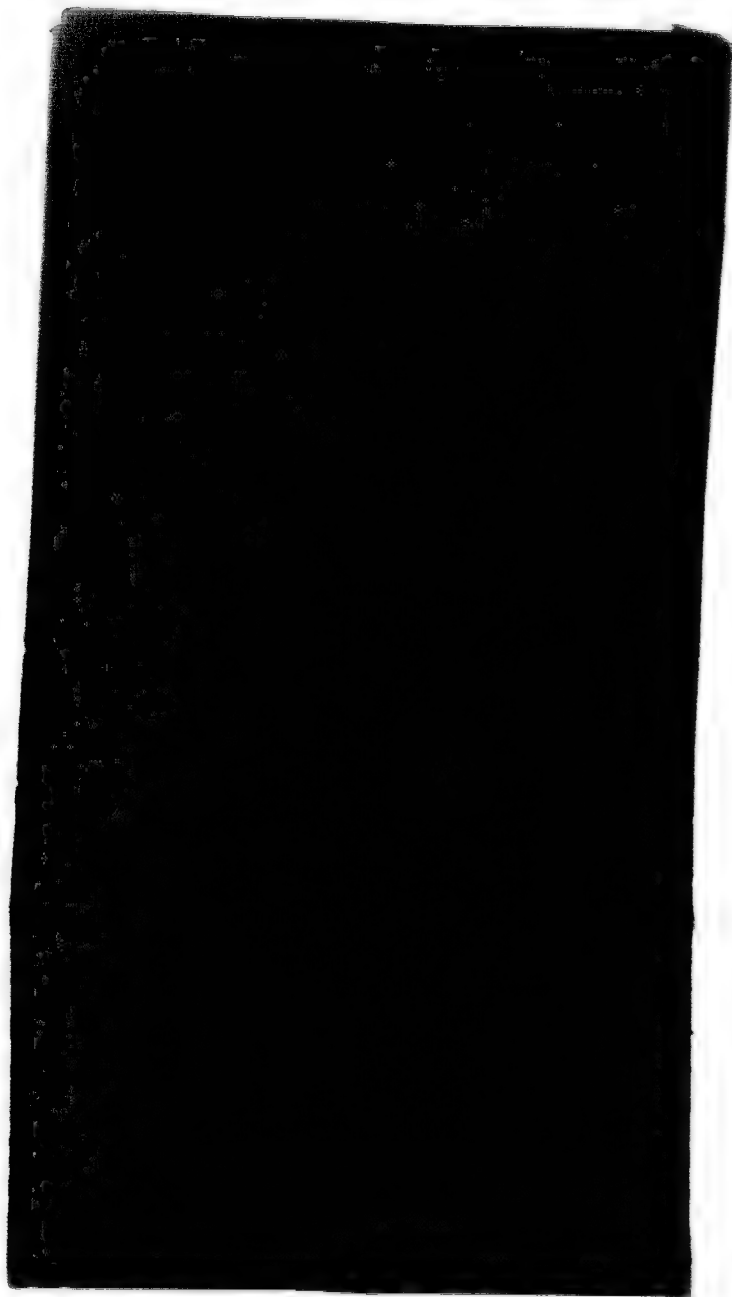
COPIES OF DECISION
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS MAY -9 1902

RECORD FORWARDED DEPARTMENT

MAY -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS



Nellie Davis

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 58

CHOCTAW

James W. Daggs.

Record transferred to

CHOCTAW. - 2776

Choc R73 Charles B. Darken

R73

C. B. D. R.

necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you and
the other applicants are descendants of Choctaw Indians who re-
sided in the state of Mississippi in 1830, and that their an-
cestors, such Choctaw Indians, complied or attempted to comply
with the provisions of the fourteenth article of the Treaty of
1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

COMMISSIONERS

HENRY L. DAWES
TAMM DIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Choctaw R-73

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

Charles B. Darken,
South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of yourself, your children, John Henry and Charles B. Darken, and your step-children, Benjamin Oliver Welch, Maultsy Loley and Walter Welch as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,



Acting Chairman.

Register.

COMMISSIONERS
TAMM DIXIE,
THOMAS S. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10728.
REFER IN REPLY TO THE FOLLOWING

Choctaw R 73

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1904.

Charles B. Darken,

South McAlester, Indian Territory,

Dear Sir:

You are hereby advised that under the direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself as an intermarried citizen, and of your wife Sarah Jane Darken, your children John Henry, Charles B. Jr., Myrtle E. and Gertrude Darken, your step-children Benjamin Oliver Welch, Walter Welch and Maultsy Loley, and your step-grand-child Willie Loley, as citizens of the Choctaw Nation, until the Commission is further instructed by the Secretary of the Interior.

Respectfully,



Commissioner in Charge.

7-5-78

Acting Commissioner.

1-A-78

Muskogee, Indian Territory, June 22, 1906.

Apple & Franklin,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1906, inclosing affidavits of Sarah J. Darken and C. B. Darken to the birth of Myrtle Elvy Darken, child of C. B. Darken and Sarah J. Darken, January 29, 1897; also affidavits of Sarah J. Darken and L. M. Waterson to the birth of Gertrude M. Darken, child of C. B. and Sarah J. Darken, January 2, 1899, and the same have been filed in the matter of the enrollment of said children.

Respectfully,

Commissioner.

9-B-73

Muskogee, Indian Territory, October 18, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 20, 1906, transmitting affidavit of Wirt Franklin relative to the tribal enrollment of Sarah Jane Darkin.

Respectfully,

Commissioner.

7-B-725 et al.

Waskogen, Indian Territory, January 10, 1907.

E. A. Apple,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Ledy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Needy Thompson, John Henry Darken, Charles W. B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Hamilton J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary H. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Harrietta Sadie Percival, Hannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan, William H. McGeay, Buford E. McGeay, Maud Reville, Cordie Weolley, William McGeay, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Martha May Harton, George Pope Harton, Viola Maude Hart, Thomas Foster, Clara May Reville, Thomas Fambrook, Reville, John D. Weolley, James B. Weolley, Anna McGeay and Ray McGeay as citizens by blood of the Choctaw Nation, the application

L.A.A. - 62.

for the enrollment of Fannie May G'Quinn, Katie Thompson and Mary G. McCoy, as citizens by intermarriage of the Choctaw Nation, denying the application for the enrollment of John D. Thompson, Sarah Jane Darden, Myrtle E. Darden, Gertrude E. Darden, John D. Thompson, John William Thompson and Hazel Maudie Thompson, as citizens by blood, the application for the enrollment of Franklin W. Barton, Charles B. Darden, Rosa Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby G'Quinn, Narcissa E. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Dixey*
Commissioner.

Registered.

Incl. 7-R-723, et al.

COPY.

Puskogee, Indian Territory, January 10, 1907.

Charles B. Darken,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for your enrollment as a citizen by intermarriage, the application for the enrollment of Sarah Jane Darken, Myrtle E. Darken, and Gertrude M. Darken as citizens by blood and granting the application for the enrollment of John Henry Darken, Charles B. Darken Jr., Benjamin Oliver Welch, Maultay J. Lawley, Walter Welch and Willie May Lawley as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamc Bixby*

Commissioner.

Registered.
7-B-73.

7-2-723, et al.

COPY.

Wichita, Indian Territory, January 10, 1907.

Chester Howe,

Washington Loan & Trust Building,

Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, granting the application for the enrollment of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Laddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darden, Charles B. Darden, Jr., Benjamin Oliver Welch, Walter Welch, Hamlet J. Lawley, Willie May Lawley, Hattie Hatten, John Hatten, Rachel Hatten, James Hatten, Mary M. Hatten, Nancy Ella Hatten, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Hattie Vaughan, Callie Vaughan, Stella Vaughan, Ray Vaughan, William M. McCoy, Buford T. McCoy, Ned Reville, Gordie Weelley, William McCoy, Agnes O'Quinn, Altha E. O'Quinn, Mark O'Quinn, Bertha May Hatten, George Pope Hatten, Viola Hattie Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke, Reville, John B. Weelley, James M. Weelley, Anna McCoy and Ray McCoy, as citizens by blood of the Cherokee Nation, the application

C. N. - 62.

for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. Mefley as citizens by intermarriage, denying the application for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E. Darken, Gertrude Darken, John D. Thompson, John William Thompson and Hazel Maude Thompson, as citizens by blood, the application for the enrollment of Franklin W. Harton, Charles E. Darken, Anna Geneva Thompson and William E. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa E. Thompson and Narcissa Ella Percival, as citizens, of the Chectaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED: *Tamr Bixby*

Commissioner.

Registered.

Incl. 7-A-722 et al.

Waukegeon, Indian Territory, January 10, 1907.

Mansfield, McWarray & Cernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on January 10, 1907, the Commissioner to the Five Civilized Tribes rendered a decision granting the applications for the enrollment as citizens by blood of the Choctaw Nation, of John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Leddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Nannie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Beville, Cordie Woolley, William McCoy, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Beville, Thomas Pembroke Beville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy, and the application for the enrollment of Fannie May O'Quinn, Katie Thompson and Mary G. McCoy as citizens by intermarriage, denying the applications of John

M. M. C. #2.

D. Thompson, Sarah Jane Darken, Myrtle M. Darken, Gertrude M. Darken, John D. Thompson, John William Thompson and Hazel Maudie Thompson for enrollment as citizens by blood, the application for the enrollment of Franklin M. Harten, Charles, B. Darken, Emma Geneva Thompson and William M. Percival as citizens by intermarriage, and dismissing the application for the enrollment of Ruby O'Quinn, Narcissa S. Thompson and Narcissa Ella Percival, as citizens of the Choctaw Nation.

There is enclosed herewith a copy of the decision of January 10, 1907, and in view of the limited time in which the work of the enrollment must be completed, I have to request that if you desire to file a protest to this decision that you forward the same to this office within five days from this date. If at the expiration of that time no protest is filed, the names of these persons will be placed upon schedules of citizens by blood and intermarriage of the Choctaw Nation to be forwarded to the Secretary of the Interior, together with the record in this case and the decision of January 10, 1907.

Respectfully,

Commissioner.

Land
11745-1909
J E D

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

G. R.

Jan 7 1909

Enrollment case of
Franklin M. Barton
et al.

The Commissioner
to the Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to your report of April 22, 1909, relative to the consolidated Choctaw enrollment case of Franklin M. Barton et al. you are advised that on June 2, 1909, the Department held that the case mentioned is not analogous to that of John H. Goldsby (211 U. S. 249), and therefore declined to take any action looking to the enrollment of any of the applicants therein as citizens of the Choctaw Nation. A copy of approved Office letter of June 1, 1909 is inclosed for your further information.

You are requested to notify the proper persons of this action of the Department.

Very respectfully,

C. F. Hanks

Chief Clerk.

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J E D

June 1 1909

Enrollment case of Franklin
M. Horton et al.

The Honorable

The Secretary of the Interior,

Sir:

Referring to Department letter of March 1, 1909 (File B-61) there is transmitted herewith a report of April 22, 1909, from the Commissioner to the Five Civilized Tribes relative to the consolidated Choctaw enrollment case of Franklin M. Horton, et al. The record and other papers are also inclosed. From the Commissioner's report it does not appear that the names of any of the applicants in the consolidated case above named were ever placed on any roll of Choctaw citizens prepared by the Commission or the Commissioner to the Five Civilized Tribes and approved by the Department, or that the Department ever rendered any decision favorable to their enrollment.

The Office is of the opinion that the case of Franklin M. Horton et al is not analogous to that of John N. Galsky (211 U. S. 249) and therefore recommends that the Department take no action looking to their enrollment.

Very respectfully,

R. O. Valentine

Acting Commissioner.

RMH:G-27
1861

June 2, 1909.

APPROVED

Frank Pierce

First Assistant Secretary.

Choctaw 6061.

Muskogee, Oklahoma, June 18, 1908.

Mr. S. A. Apple,
Ardmore, Oklahoma,

Sir:

You are hereby advised that on June 8, 1908, the Secretary of the Interior held that the Choctaw enrollment case of Franklin M. Harton et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1906, in the said Goldsby case.

Respectfully,

AB

Commissioner.

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COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
FRANKLIN M. HORTON, et al, as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the record herein and from the records in the possession of the Commissioner to the Five Civilized Tribes that in the year 1899, application was made by Franklin M. Horton at South McAlester, Indian Territory, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mattie Horton, and his children, John, James, Rachel, Mary M. and Nancy Ella Horton, as citizens by blood of said nation, and for the enrollment of his step-mother, Narcissa S. Thompson, as a citizen by intermarriage of the Choctaw Nation; that application was made to the Commission to the Five Civilized Tribes at South Canadian, Indian Territory, in September, 1899, by William R. McCoy, for the enrollment of himself and his children, Buford T. McCoy, Waud McCoy, Cordie McCoy and William McCoy as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Mary G. McCoy, as a citizen by intermarriage of said nation; that application was made by William R. Percival at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation; that on December 10, 1903, written application was made for the enrollment of Sadie Percival as a citizen by blood of the Choctaw Nation. Subsequent proceedings show that the correct name of said applicant is Narcissa Sadie Percival. Application was made by Charles B. Darken at South McAlester, Indian Territory, in the year 1899, for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Sarah Jane Darken, and his minor children, John Henry, Charles B., Myrtle E. and Gertrude Darken, and for the enrollment of Benjamin Oliver Welch, Maultay Loley and Walter Welch, children of the said Sarah Jane Darken, and for the enrollment of Willie Loley, minor daughter of Maultay Loley, as citizens by blood of said Nation; that application was made to the Commission to the Five Civilized Tribes by John T. Thompson

at Colbert, Indian Territory, on June 21, 1900, for the enrollment of himself and his minor children, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson and John Moody Thompson, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Katie Thompson, as a citizen by intermarriage of said nation; that application was made to the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the year 1899, by Nannie Vaughan, for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan, as citizens by blood of the Choctaw Nation; that application was made in September, 1899, to the Commission to the Five Civilized Tribes by Thomas J. O'Quinn, for the enrollment (among others) of John T. O'Quinn and his minor daughter, Delphy O'Quinn, and Minnie L. Laddy as citizens by blood of the Choctaw Nation, and for the enrollment of May O'Quinn, wife of John T. O'Quinn, as a citizen by intermarriage of said nation. Subsequent proceedings show that the correct name of the applicant Delphy O'Quinn is Ollie Odolphus O'Quinn.

It also appears that application was made in September, 1899, to the Commission to the Five Civilized Tribes, for the enrollment of John D. Thompson as a citizen of the Choctaw Nation, as is evidenced by the fact that in the testimony of F. M. Horton before the Commission at South McAlester, Indian Territory, in September, 1899, appears a statement made by Commissioner McKennon, as follows:

"The name of Narcissa S. Thompson also appears upon the roll of 1896, page 401, No. 15111, as an intermarried citizen, who is the mother of Mrs. Horton, who was never intermarried with a recognized citizen of the Choctaw Nation and is a white woman. Her enrollment is also refused.

A son, John D. Thompson, whose case is exactly that of the Hortons above stated, and whose enrollment is also refused.

The name of F. M. Horton is also found upon the roll of intermarried persons of 1896, page 390, No. 14658, he being the husband of Mattie Horton, whose enrollment is also refused."

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William S. Percival as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his minor children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation, together with the decision of the same date, rejecting all of the applicants in said case.

On the same date the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Nannie Vaughan for the enrollment of herself and her minor children, Mattie, Callie, Stella and Roy Vaughan as citizens by blood of the Choctaw Nation, together with the decision of the Commission of the same date denying said application.

On September 26, 1905, there was filed with the Department a petition of Martha Harten, relative to the right to enrollment of herself, her husband, Frances M. Harten, and her children, John F. Harten, James F. Harten, Rachel S. Harten, Mary M. Harten, and Nancy M. Harten, as citizens of the Choctaw Nation.

It will be noticed that in the original application for the enrollment of this family, the name was spelled Horton, while

in the above petition said name is spelled Harten. Subsequent proceedings have established that said name is correctly spelled Hart-
ton, and said name will hereafter in this decision be spelled ac-
cordingly.

On September 26, 1905, there was filed with the Department a petition of Nannie Foster (formerly Vaughan), relative to the right to enrollment of herself and her children, Mattie Vaughan, Callie Vaughan, Nannie Vaughan, Roy Vaughan and Thomas Clide Foster, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of William E. Percival, relative to the right to enrollment of himself as an intermarried citizen of the Choctaw Nation, and his wife, Narcissie Ella Percival, and their children, Jessie Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissie Hadie Percival, as citizens of the Choctaw Nation.

On the same date there was filed with the Department a petition of Sarah Jane Darken, relative to the right to enrollment of herself and her children, Benjamin Oliver Welch, Naultsia J. Welch, Walter F. Welch, John Henry Darken, Charles Bradley Darken, Myrtle Elvy Darken and Gertrude W. Darken, as citizens of the Choctaw Nation, and for the enrollment of her husband, Charles B. Darken, as a citizen by intermarriage of the Choctaw Nation.

On the same date there was filed with the Department a petition of John D. Thompson relative to the right to enrollment of himself as a citizen of the Choctaw Nation, in which he states:

"I was married March 8, 1897, to Emma G. Weir, and as an issue of said marriage the following named children were born, John William Thompson, born July 9, 1899, and Hazen Maud Thompson was born June 19, 1903."

While none of said petitions conclude with a prayer, they will be considered for the purposes of this decision as petitions for the enrollment of the persons mentioned therein as citizens by blood or intermarriage of the Choctaw Nation.

The Department in its letter of April 4, 1906 (I. T. D. 13766-1905), directed the Commissioner to the Five Civilized Tribes to adjudicate the rights of John T. Thompson, et al., to enrollment as citizens by blood of the Choctaw Nation, and instructed said Commissioner to take further testimony in the case if necessary.

The Department in its letter of April 5, 1906 (I. T. D. 13113-1906), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of William E. Percival, et al., and instructed the Commissioner to make further investigation of the right of the applicants in said case to enrollment.

The Department in its letter of the same date (I. T. D. 1272-1905), set aside the decision of the Commission to the Five Civilized Tribes of January 21, 1905, in the case of Nannie Vaughan, et al., and instructed the Commissioner to take further testimony in said case and to readjudicate the same.

The Department in its letter of April 17, 1906 (I. T. D. 1745-1906), transmitted a letter from John T. O'Quinn of Merlew,

Indian Territory, dated April 5, 1906, relative to his application for enrollment as a citizen of the Choctaw Nation, claiming his name was included as one of the applicants in the case of William C. Thompson, et al., and stated that no reason was seen why the rights of John T. O'Quinn should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the Choctaw Nation.

On May 4, 1906, John T. O'Quinn and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner to the Five Civilized Tribes would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at nine o'clock A. M., hear the testimony of such witnesses as he might desire to present tending to establish his right to enrollment as a citizen by blood of the Choctaw Nation.

On May 16, 1906, John T. Thompson, Marlow, Indian Territory, and Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of such witnesses as he might desire to present in the matter of his application for enrollment as a citizen of the Choctaw Nation.

On the same date Sarah Jane Darken and Martha Harton were also notified to appear at the office of the Commissioner at ten o'clock A. M., on Monday, May 28, 1906, for the purpose of introducing testimony in support of the application for the enrollment of said Sarah Jane Darken and Martha Harton and families as citizens of the Choctaw Nation, it appearing that said Sarah Jane Darken and Martha Harton were sisters of said John T. Thompson and that application for the enrollment of said parties and their families as citizens of the Choctaw Nation had been made prior to December 25, 1902. Notice of said hearing was also forwarded the attorneys for the Choctaw and Chickasaw Nations.

On the same date William H. McCoy and Mansfield, McMurray & Cornish were notified that the Commissioner would at his office at Muskogee, Indian Territory, on Monday, May 28, 1906, at ten o'clock A. M., hear the testimony of witnesses in support of the application for the enrollment of said William H. McCoy and his family as citizens of the Choctaw Nation.

On the same date Nannie Vaughan (now Nannie Foster), Talihina, Indian Territory, and Mansfield, McMurray & Cornish, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at eleven o'clock A. M., on Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of said Nannie Vaughan (now Foster) and children as citizens of the Choctaw Nation.

On the same date William E. Percival, Marlow, Indian Territory, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were notified that the Commissioner would at his office at Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application of said William E. Percival and family as citizens of the Choctaw Nation.

On May 23, 1906, there was filed with the Commissioner to the Five Civilized Tribes a petition signed by Mary E. O'Quinn, relative to the right to enrollment of John T. O'Quinn and his children, Ollie Odolphus O'Quinn, Ruby O'Quinn, Agnes O'Quinn, Mark O'Quinn and Alpha S. O'Quinn as citizens by blood of the Choctaw Nation, and Fannie May O'Quinn as a citizen by intermarriage of said nation.

In conformity with the above notices a hearing was had at the office of the Commissioner May 28, 1906, at which time testimony was taken relative to the rights of Minnie Lee Luddy, John D. Thompson and his two minor children, John William Thompson and Hazel Maud Thompson, as citizens by blood of the Choctaw Nation. At said hearing Wirt Franklin of the firm of Apple & Franklin, Muskogee, Indian Territory, represented the petitioners. No appearance was entered by or on behalf of the Choctaw and Chickasaw Nations.

Applications were received by the Commissioner to the Five Civilized Tribes for the enrollment of the following persons as citizens of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137): May 8, 1906, Agnes O'Quinn, born March 25, 1900; Alpha S. O'Quinn, born July 8, 1905; Ollie Odolphus O'Quinn, born August 23, 1896; Mark O'Quinn, born December 9, 1902; May 14, 1906, Ruby O'Quinn, born September 12, 1898, children of John T. O'Quinn and his wife, Fannie May O'Quinn. The application for the enrollment of Ruby O'Quinn shows that said applicant died March 15, 1899. May 28, 1906, George Pope Harton, born March 2, 1906, minor child of Franklin M. Harton and Martha Ann Harton; Viola Maude Hunt, born August 17, 1905, daughter of John Hunt and his wife, Rachel Susan Hunt (nee Harton); Bertha May Harton, born February 10, 1906, minor daughter of John F. Harton and his wife, Susie Harton; Narcissa Sadie Percival, born October 2, 1899, minor daughter of William K. Percival and Narcissa Ella Percival; June 13, 1906, Thomas Foster, born June 6, 1905, minor child of the applicant, Fannie Foster, formerly Vaughan, and her husband, Louis Foster; June 18, 1906, Thomas Pembroke Reville, born August 17, 1904; Clara May Reville, born March 25, 1900, minor children of J. M. Reville and Maud Reville (nee McCoy); Amina McCoy, born July 22, 1902, and May McCoy, born June 12, 1905, children of Buford T. McCoy and his wife, Geneva McCoy; John D. Wooley, born February 4, 1902, and James B. Wooley, born April 30, 1904, children of Robert L. Wooley and his wife, Cordie Wooley (nee McCoy).

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that original application was filed with the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of the following persons to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321):

Sarah Jane Thompson, now Darken,
Benjamin Welch,
Mauksie Welch,
Walter Welch,
Johnny Darken,
Martha Ann Thompson, now Harton,

James William Harton,
 John F. Harton,
 Susie Harton,
 Narcissa Ella Thompson, now Percival,
 Jesse Percival,
 Taylor Percival,
 Forrest Percival,
 Rebecca Percival,
 Katie Percival,
 Nancy G. Thompson, now Vaughn,
 Hattie Vaughn,
 Callie Vaughn and
 Nannie Vaughn.

The records in the possession of the Commissioner further show that on December 8, 1896, said application was denied (1896 Choctaw Citizenship Case No. 1394, entitled Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation). From this decision no appeal was taken.

The record herein shows that the applicant, Charles B. Darken, was married in the year 1887 to Sarah Jane Darken, in accordance with the laws of the United States, and that on October 16, 1896, said applicants were remarried in accordance with the laws of the Choctaw Nation; that prior to her marriage to Charles B. Darken, said Sarah Jane Darken was married to Frank Welch, from whom she was lawfully divorced on November 6, 1886. The applicant, John T. O'Quinn, was lawfully married on August 27, 1895, to Fannie May Calhoun; that the applicant, John T. Thompson, was lawfully married on February 17, 1887, to Katie Calhoun; that the applicant, Franklin H. Harton, was married in the year 1880, to the applicant, Hattie Harton, but said marriage was not performed in accordance with the laws of the Choctaw Nation; that the applicant, John Harton, since his application for enrollment in 1899, was married to one Susie Girty, who is enrolled as a citizen by blood of the Cherokee Nation, opposite No. 17600; that the applicant, Bertha May Harton, is the issue of said marriage, and that election was made by said John Harton for the enrollment of said Bertha May Harton as a citizen of the Choctaw Nation; that the applicant, William B. Percival, was married in the year 1884 to Narcissa Ella Percival; that said marriage was not performed in accordance with the laws of the Choctaw Nation; said Narcissa Ella Percival died September 5, 1902. The applicant, John D. Thompson, was married in the year 1898, to Emma Geneva Weir. The applicant, Mary G. McLaurine, was married February 2, 1874, to William H. McCoy.

The principal applicants with their families have resided continuously in the Choctaw-Chickasaw country since several years prior to 1898.

The names of the applicants do not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commissioner to the Five Civilized Tribes except the 1896 Choctaw Census Roll, upon which appear the names of certain of the applicants, as follows:

John T. O'Quinn (as T. E. O'Quinn)	Opposite No. - 10029
Minnie L. Liddy (as Winnie Liddy)	8416
John T. Thompson (as Jno. T. Thompson)	12329
Mary P. Thompson	12530
William B. Thompson (as Wm. Thompson)	12531

Charles B. Thompson (as Charles Thompson)	Opposite No. - 12832
John H. Thompson (as Joe. M. Thompson)	12833
John Henry Darken (as Joe. Henry Darken)	3626
Charles B. Darken, Jr. (as Charles B. Darken)	3627
Benjamin Oliver Welch (as Benjamin Welch)	14020
Walter Welch	14021
Maulsby Loley (as Maulsby Lawley)	8348
Mattie Horton	5993
Rachel Hunt (as Rachel S. Horton)	5994
John Horton (as Johnie Horton)	5995
James Horton (as Jimmie Horton)	5996
Mary M. Horton	5997
Narcissa Ella Percival (as Narcissus Percivill)	10554
Jesse Percival (as Jesse Percivill)	10555
Taylor Percival (as Taylor Percivill)	10556
Forrest Percival (as Forrest Percivill)	10557
Katie Percival (as Kate Percivill)	10558
Rebecca Percival (as Rebecca Percivill)	10559
Nannie Vaughan (as Nannie Vaughn)	12631
Hattie Vaughan (as Hattie Vaughn)	12632
Callie Vaughan (as Callie Vaughn)	12633
Stella Vaughan (as Stella Vaughn)	12634
William H. McCoy	9507
Buford T. McCoy	9508
Maudie McCoy	9509
Cordie McCoy	9510
William McCoy	9511

The name of Katie Thompson appears upon said roll as Kate Thompson, opposite No. 15126, as a citizen by intermarriage of the Choctaw Nation. The name of Mary G. McCoy also appears on said roll opposite No. 14892, as a citizen by intermarriage of the Choctaw Nation. The name of C. B. Darken also appears on said roll opposite No. 14485, as a citizen by intermarriage of the Choctaw Nation.

The name of the applicant, Sarah Jane Darken, does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. On September 21, 1906, there was filed with the Commissioner the affidavit of Wirt Franklin, executed September 20, 1906, in which he states that the Acting Commissioner who conducted the hearing in this case failed to identify upon the 1896 Choctaw Census Roll the name of Sarah Jane Darken, but that he did identify upon said roll the names of her children who were then living; that as attorney for the applicants, he asked for the "roll of citizens by blood of Atoka County, Indian Territory, of September 28, 1896", prepared by three Commissioners for that county, who were appointed under an act of the Choctaw Council approved September 18, 1896; that said roll was brought forth; that he examined the same and found on page 80 thereof the names of Sarah J. Darken, age 34, Benjamin Welch, age 17, and Walter Welch, age 14, John Henry Darken, age 8 and Charles B. Darken, age 5; that opposite the name of Sarah J. Darken is written in a different hand than the names and with lead pencil the word "doubtful"; that opposite the names of the others there appear the letters "O.K.", also written with lead pencil, while the names themselves were written with pen and ink; that he asked the Acting Commissioner at the time these names were found on the said county

roll to make a statement in the record which was then being made in this citizenship case, setting forth what this roll showed in regard to these applicants, but he not only refused to make the statement in the record himself, but denied the affiant the right to do so as attorney for the applicants. The roll referred to in said affidavit is a book designated as "Choctaw Census Roll, No. 0", and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; Memorandum Roll; Roll 0". Said book has never been considered by the Commission to the Five Civilized Tribes, or its successor, as an authentic roll of the citizens of the Choctaw Nation.

In the case of Nancy J. Murphy, et al, decided adverse to the applicants by the Commission to the Five Civilized Tribes on January 26, 1903, it was stated as follows:

"It further appears that the name of the applicant (written 'Nancy Murphy') is found on page 244 on the original memorandum record kept by the Enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading 'Doubtful, claims citizenship', but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation".

The Department in its letter of May 18, 1903 (I.T.D. 4342-1903) approved the decision of the Commission of January 26, 1903. The memorandum referred to in said case is the book mentioned in the affidavit of Mr. Franklin. Said book, together with a report concerning same, was forwarded to the Department with a letter of the Acting Commissioner to the Five Civilized Tribes dated September 1, 1906, returning certain petitions forwarded by the Department in its letter of May 7, 1906 (I.T.D. 5244-1906) relative to the application for the enrollment of Nancy J. Murphy, et al, as citizens of the Choctaw Nation.

The name of John D. Thompson does not appear upon the 1896 Choctaw Census Roll in the possession of the Commissioner to the Five Civilized Tribes. Besides the names of John M. Thompson and John T. Thompson mentioned above, the name of John Thompson appears upon the 1896 Choctaw Census Roll opposite No. 12504, Jacksfork County, age 11 years. The age of the applicant John D. Thompson is given as 38 years. It is, therefore, clear that the applicant is not identical with the John Thompson whose name appears on the Choctaw Census Roll opposite No. 12504, Jacksfork County.

The name of John Thompson, age 27 years, Atoka County, also appears upon the 1896 Choctaw Census roll. It appears that in the preparation of said roll the names of the members of each family were grouped together.

Attached to the record herein is a copy of pages 324 and 325 of said roll upon which appears the name of John Thompson opposite No. 12465.

It will be noticed that the age of the applicant, John D. Thompson corresponds with the age of John Thompson, whose name appears on said roll opposite No. 12455. It will also be noticed that immediately following the name of John Thompson on the 1896 Choctaw Census Roll and opposite No. 12455 appears the name of Gertrude Thompson.

On February 16, 1906, this office addressed a letter to Gertrude Thompson at Hewitt, Indian Territory, requesting to be advised of the whereabouts of said John Thompson. On February 17, 1906, said Gertrude Thompson addressed a letter to the Commissioner in which she stated that she knew nothing of such a person, unless it was John Henry Thompson, her husband, with whom she does not now reside; that said John Henry Thompson is a Chickasaw by blood instead of a Choctaw, and that she does not think that her name and said John Thompson's name have been placed together on any of the rolls since 1896.

On June 2, 1906, there was filed with the Commissioner by Apple & Franklin, the affidavit of Henry Thompson, in which he states that he is 31 years of age, and was the husband of Gertrude Thompson, a Choctaw citizen by blood. That he is a citizen by blood of the Chickasaw Nation; that his full name is John Henry Thompson, and that he has generally been known as Henry Thompson; that he never made an attempt to get on the 1896 Choctaw Census Roll because he is a Chickasaw by blood and was enrolled on the 1896 Chickasaw Census Roll, but he does not think his name appears on the 1896 Choctaw Census Roll for Atoka County; that if the name, John Thompson, appears on the Choctaw census Roll, number 12455, he does not think it was meant for him, because he made no attempt to have his name placed on said roll, and does not know of any one else giving his name to the enumerators.

The name of Henry Thompson appears upon the 1896 Chickasaw Census Roll, and upon the final roll of citizens by blood of the Chickasaw Nation approved by the Secretary of the Interior opposite No. 3594.

Granting the truth of the statement contained in the affidavit of Henry Thompson that his name was placed on the 1896 Chickasaw census Roll and that he made no effort to have his name placed on the 1896 Choctaw Roll, it is not probable that this fact would have prevented the Census committee from placing his name upon said 1896 Choctaw Census Roll. It is evident from the letter of Gertrude Thompson, above referred to, that it was her understanding that the names of herself and her husband were placed upon the 1896 Choctaw Census Roll together, and the fact that the name of John Thompson was placed on said roll, together with said Gertrude Thompson, seems to clearly indicate that John Thompson is identical with John Henry Thompson, and therefore, not identical with John D. Thompson. It also appears from the testimony of John Thompson on May 28, 1906, that he was not living in the Choctaw Nation in the year 1896 but was living in the Comanche country. It will be observed that the age of John Thompson appears on the 1896 Choctaw Census Roll as 27 years, while the age of Henry Thompson is given in his evidence of May 30, 1906, as 31 years. This discrepancy, however, is easily accounted for by the fact that said Henry Thompson states that he made no effort to have his name placed on said roll. The information concerning his age was, therefore, evidently obtained by the Census Committee from some third

person, and it is probable that his age might have been incorrectly given to said Committee.

It appears from the record herein that the applicant, Narcissa S. Thompson, died in August, 1901.

Following the ruling of the Department of April 4, 1906, (I.T.D. 4282-1906), in the case of Mary E. O'Quinn, et al., I am of the opinion that the applicants herein, who are of Choctaw blood, who were residents in good faith of Indian Territory on June 25, 1896, and whose names appear upon the 1896 Choctaw Census Roll, and their descendants born since said roll was made, and those persons who were married to any of said applicants in accordance with the laws of the Choctaw Nation, should be enrolled as citizens of the Choctaw Nation.

I am further of the opinion that the applications for the enrollment of the applicants herein, whose names do not appear upon the 1896 Choctaw Census Roll, and who are not descendants of persons whose names do appear upon said roll, born since the date thereof, and those intermarried applicants who were not married to their Indian spouses in accordance with the laws of the Choctaw Nation, should be denied.

I am, therefore, of the opinion that the applicants, John T. O'Quinn, Ollie Odolphus O'Quinn, Minnie L. Laddy, John T. Thompson, Mary Frances Thompson, Charles Stanley Thompson, William Brown Thompson, John Moody Thompson, John Henry Darken, Charles B. Darken, Jr., Benjamin Oliver Welch, Walter Welch, Maultay J. Lawley, Willie May Lawley, Mattie Harton, John Harton, Rachel Harton, James Harton, Mary M. Harton, Nancy Ella Harton, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival, Narcissa Sadie Percival, Mennie Vaughan, Mattie Vaughan, Callie Vaughan, Stella Vaughan, Roy Vaughan, William H. McCoy, Buford T. McCoy, Maud Reville, Cordie Woolley and William McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Fannie May O'Quinn, Katie Thompson and Mary G. McCoy, should be enrolled as citizens by intermarriage of the Choctaw Nation under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applicants, Agnes O'Quinn, Altha S. O'Quinn, Mark O'Quinn, Bertha May Harton, George Pope Harton, Viola Maude Hunt, Thomas Foster, Clara May Reville, Thomas Pembroke Reville, John D. Woolley, James B. Woolley, Amina McCoy and Fay McCoy should be enrolled as citizens by blood of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

I am further of the opinion that the record herein establishes that application was made for the enrollment of John D. Thompson as a citizen by blood of the Choctaw Nation, and for the enrollment of Emma Geneva Thompson as a citizen by intermarriage of said nation, within the time limited by the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and that the same should now be determined upon its merits, and it is so ordered.

I am further of the opinion that the applications for the enrollment of John D. Thompson, Sarah Jane Darken, Myrtle E.

Darken and Gertrude M. Darken as citizens by blood of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the applications for the enrollment of Franklin M. Horton, Charles B. Darken, Anna Geneva Thompson and William E. Percival as citizens by intermarriage of the Choctaw Nation should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), and it is so ordered.

I am further of the opinion that the petition filed by John D. Thompson, September 26, 1906, in so far as it applies to John William Thompson and Hazel Maude Thompson should be considered as an application for the enrollment of said persons as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), that said application should be denied, and it is so ordered.

I am further of the opinion that the application for the enrollment of Ruby O'Quinn, who the record shows died March 15, 1899, and for the enrollment of Narcissa S. Thompson and Narcissa Ella Percival, who the record shows died prior to September 23, 1902, should be dismissed, and it is so ordered.

SIGNED *Tams Bixby*

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 10 1907

Department of the Interior.

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TERR.

7-1973

Notice # 2

Jan 21-07

20294

575-
675



Returned to
Writer
Unclaimed

Charles E. Darden

2252



REFER IN REPLY TO THE FOLLOWING:

7-R-73

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1907.

Charles B. Darken,

South McAlester, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for your enrollment as a citizen by intermarriage, the application for the enrollment of Sarah Jane Darken, Myrtle E. Darken, and Gertrude M. Darken as citizens by blood and granting the application for the enrollment of John Henry Darken, Charles E. Darken Jr., Benjamin Oliver Welch, Maultsy J. Lawley, Walter Welch and Willie May Lawley as citizens by blood of the Choctaw Nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,



Commissioner.

Registered.
7-R-73.



CHOCTAW
REFUSED.

Charles B. Daxen et al.

Vs.

Choctaw Nation

Judgment written Mar. 24, 1904
B.C.

Refused

Nos. 3, 4, 7, 8, 9 and 10 transferred to
Choctaw 6059 Jan 26-07

1-2-596

GRANTED

Jan. 17, 1907.

1-2-596

REFUSED.

Jan. 17, 1907.

RECORD FORWARDED DEPARTMENT.

1-2-596

ACTION APPROVED BY
SECRETARY OF INTERIOR

JAN 19 1907

MAR 2 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 18 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 18 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAR 18 1907

(Over)

Choc R74 Clyde Davenport

R74

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of Clyde Davenport as a ghostaw; Jane Davenport being sworn and examined testifies:

- Q What is your name? A Jane Davenport.
Q How old are you? A Twenty-five.
Q You say you have a child not admitted by this decree? A Yes sir.
Q What is its name? A Clyde, four years old.
Q What is the date of its birth? A 18th of February 1895.

Com'r McKennon: Enrollment is refused, as he is not included in the court decree we have no authority to enroll him.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that on my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Greer

PVK

7-2-74

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Davenport for the enrollment of her minor child Clyde Davenport, as a citizen of the Choctaw Nation.

--- : D E C I S I O N : ---

It appears from the record in this case that Jane D Davenport appears before the Commission at South McAlester, Indian Territory, during its session thereat September 4th. to 18th, 1899, and then and there made personal application for the enrollment of her minor child Clyde Davenport as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that Clyde Davenport has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor

does it appear that he has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

From the evidence in this case and an examination of the records of the Commission it appears that the applicant, Clyde Davenport, was born February 18, 1895, and that the mother of the applicant, Jane Davenport, under the name of Jane McPhartridge, with others, made application to the Commission to the Five Civilized Tribes for admission to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, (29 Stats., 321), the application being filed with this Commission September 7, 1896, (1896 Docket C, Choctaw No. 1008). On December 5, 1896, the Commission denied the application of the said Jane McPhartridge, and thereafter an appeal was taken to the United States Court, Southern District, at Ardmore, in Indian Territory, by which court the decision of the commission was reversed, and the said Jane McPhartridge, as Jane Davenport was admitted to citizenship by blood in the Choctaw Nation, in the cause entitled "Harriet Gordon, et al., vs. Choctaw Nation" Court No. 93, on January 20, 1898.

The name of the child Clyde Davenport, was not included either in said original application, or in the decree of Court admitting the said Jane Davenport to citizenship as aforesaid.

It further appears from an examination of the records in the possession of the Commission that the applicant, Clyde Davenport, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The act of Congress of June 28, 1898, (30 Stats., 498), in a portion of section twenty-one thereof, provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

It is therefore, the opinion of the Commission that Clyde Davenport is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that the application for his enrollment as such, should therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

DEC 8 1902

COPY.

Choctaw No. 74

Muskogee, Indian Territory, December 8, 1902.

James Davenport,

South McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Decision of the Commission to the Five Civilized Tribes denying the application made by you, for the enrollment of your minor child, Clyde Davenport, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signature)

Tame Birby

Acting Chairman.

Registered.

Enc. IES. 2

COPY

Choctaw R. 74

Waskages, Indian Territory, December 8, 1903.

Hansfield, McHurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application of Jane Davenport for the enrollment of her minor child, Clyde Davenport as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

WASWAGE

Jane Pixby.

Acting Chairman.

Enc. 100. 10

Muskogee, Indian Territory, December 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation, including the decision of the Commission dated December 8, 1902, denying said application.

Respectfully,

RECORDED.

Tams Bixby.

Acting Chairman.

Choctaw H. 74

Through the

Commissioner of Indian Affairs.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On December 8, 1902, the Commission rendered a decision denying the application for the enrollment of Clyde Davenport as a citizen of the Choctaw Nation, and on the same day the record in the case and the decision of the Commission therein were forwarded the Department and the attorneys for the Choctaw and Chickasaw Nations and also Jane Davenport, the mother of the applicant, were notified of the action of the Commission in denying said application.

The Commission is now in receipt of a request by the attorneys for the Choctaw and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Choctaw and Chickasaw Nations, No. 63 on the South McAlester Docket.

Said request is transmitted herewith.

Respectfully,

Through the Commissioner
of Indian Affairs.
1 inclosure (W. F. 7-2-74).

Commissioner in Charge.

V.C.F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

PHN

I.T.D. 3888-1901.

2168-1904.

D.C. 22549.

L.R.S.

June 28, 1904.

Commission to the Five Civilized Tribes,

Maskogee, Indian Territory.

Gentlemen:

On December 8, 1902, you transmitted the record in the matter of the application made by Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

Clyde Davenport was born February 18, 1895, and is the son of Jane Davenport. You state in your decision that Jane Davenport, under the name of Jane McPartridge, with others, made application to the Commission for admission to citizenship in the Choctaw Nation, under the act of Congress of June 10, 1896 (29 Stat., 321); that on December 5, 1896, the Commission denied the application of the said Jane McPartridge; that thereafter an appeal was taken to the United States Court, South District, Indian Territory, which court, on January 20, 1898, reversed the decision of the Commission and admitted said Jane McPartridge, as Jane Davenport, to citizenship by blood in the Choctaw Nation.

Reporting April 18, 1903, the Acting Commissioner of Indian Affairs invited attention to departmental letter of January 24, 1903, in the case of Prues L. Rowland, and recommended that the record in the case be returned to the Commission with instructions to reform its decision in accordance with the decision of the Citizenship Court in the case of Harriet Gordon, et al., vs. the Choctaw Nation, in which case Jane Davenport is a party, after said decision shall have been rendered, and in accordance with departmental decision in the Rowland case.

January 23, 1904, the attorneys for the Choctaw Nation requested that final action in this case be postponed until the Choctaw and Chickasaw Citizenship Court shall have passed upon the case of Julia London, et al., vs. the Choctaw and Chickasaw Nations.

The testimony and other papers submitted in the case are returned herewith, and it is desired that you take appropriate action thereon, in accordance with the recommendation of the Acting Commissioner, a copy of whose letter is inclosed.

Respectfully,

M. W. Miller,
Acting Secretary.

3 inclosures.

C O P Y

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

April 18, 1903.

Refer in
reply to the
following:
Land,
73818-1902,
D.C. 22549.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report from the present Chairman of the Commission to the Five Civilized Tribes, dated December 8, 1902, forwarding, for the Department's consideration, the record relative to the application of Jane Davenport, as a citizen by blood of the Choctaw Nation.

December 8, 1902, the Commission held that the applicant was not entitled to enrollment as a citizen of the Choctaw Nation.

The record in the case shows that Jane Davenport, mother of this minor applicant, applied to the Commission in 1896 for admission to citizenship in the Choctaw Nation. Jane Davenport applied in 1896 under the name of Jane McPhartridge. The Commission denied her application; an appeal was taken from the decision of the Commission, and the United States Court for the Southern District of the Indian Territory reversed the Commission and admitted Jane McPhartridge, now Jane Davenport, to citizenship in

the Choctaw Nation.

This minor child was born February 18, 1895, and was not a party to the application of Jane McPhartridge, now Jane Davenport, in 1896.

In connection herewith, attention is respectfully invited to Department letter of January 24, 1903 (ITD 7969), in the Prusa L. Rowland case, and it is respectfully recommended, inasmuch as the decision of the Court in 1896, admitting Jane Davenport to citizenship became annulled or vacated by the decision of the citizenship Court in the test case, that the record in the case be returned to the Commission with instructions to reform its decision in accordance with the decisions of the citizenship Court in the Harriet Gordon et al. case v. the Choctaw Nation, in which Jane Davenport was a party, after it shall have been rendered, and Departmental decision in the Rowland case.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CAW-O.

Mustoge, Indian Territory, July 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 28, 1904, (I.T.D. 3886-1903, 5189-1904), in the matter of the application made by Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation. Accompanying the same is the report of the Acting Commissioner of Indian Affairs of April 16, 1903, (Land 73913-1902), recommending that the record in this case be returned to the Commission in order that the decision may be reformed in accordance with a decision of the Choctaw and Chickasaw Citizenship Court in the case of Harriet Gordon, et al., versus the Choctaw Nation, in which Jane Davenport, mother of Clyde Davenport, was a party, after it shall have been rendered, and Departmental decision in the Pruce L. Rowland case.

In Departmental communication of June 28, 1904, it is stated that the testimony and other papers submitted in the case are returned to the Commission, and the Commission is directed to take proper action thereon in accordance with the recommendation of the Acting Commissioner of Indian Affairs.

Secretary 8.

I now have the honor to advise that the testimony and record in the case of *Shesha Sataspet* were not enclosed with Departmental communication of June 28, 1904, and it is requested that the same be returned to the Commission in order that proper action may be taken thereon, under Departmental instructions of that date.

Very respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

1

Muskegee, Indian Territory, August 2, 1904.

The Commissioner
of Indian Affairs,

Sir:

Receipt is hereby acknowledged of your letter of July 27, referring to our communication of July 11, 1904, stating that the record in the matter of the application of Clyde Davenport for enrollment as a citizen of the Choctaw Nation was not received with Department letter of June 28 last. You advise that the records of your office show that the record in the case was forwarded with said Department letter and you request to be advised whether the same has been received.

Replying in this matter I have the honor to report that the record in the matter of the application of Clyde Davenport for enrollment as a citizen of the Choctaw Nation is now with the files of the Commission. The inclosure had been separated from the letter of the Department of June 28, 1904, and inadvertently misplaced, and it was thought that the same had not been received with the Departmental communication above referred to.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 2, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Receipt is hereby acknowledged of Departmental communication of June 25, 1904, (I.T. D. 3532-1903, 2165-1904) returning the record in the matter of the application of Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation. Accompanying the same is the report of the Acting Commissioner of Indian Affairs, of April 16, 1903, in which the attention of the Department is invited to letter of January 24, 1903, (I.T.D. 7989) in the Pruss L. Rowland case and it is recommended that inasmuch as the decision of the Court admitting Jane Davenport to citizenship was annulled or vacated by the decree of the Citizenship Court in the test case, that the record be returned to the Commission with instructions to reform its decision in accordance with the decision of the Choctaw and Chickasaw Citizenship Court in the case of Harriet Gordon, et al. versus the Choctaw and Chickasaw Nations, in which Jane Davenport is a party, after it shall have been rendered, and Departmental decision in the Rowland case.

In this recommendation the Department concurs and the rec-

ord is remanded for readjudication of the application for the enrollment of Clyde Davenport in accordance with the decision of the Choctaw and Chickasaw Citizenship Court, in the case of Harriet Gordon, et al. versus the Choctaw and Chickasaw Nations, and Departmental decision in the Rowland case.

Reporting in this matter I have the honor to advise that the Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree in the case of Harriet Gordon, et al. versus the Choctaw and Chickasaw Nations, Case Number 106 on the Tishomingo docket of said court, and the record in the matter of the application for the enrollment of Clyde Davenport as a citizen of the Choctaw Nation will be held, pending the decision of said court, for readjudication in accordance with Departmental directions of June 22, 1904. after such decision shall have been rendered.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, December 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On June 28, 1904, (I.T.D. 3888-1903, 2168-1904) the Secretary of the Interior remanded the record in the matter of the application for the enrollment of Clyde Davenport as a citizen of the Choctaw nation, which was forwarded December 8, 1902, together with the decision of the Commission of that date refusing said application, to be readjudicated in accordance with the judgment of the Choctaw and Chickasaw Citizenship Court in the case of Harriet Gordon, et al, versus the Choctaw and Chickasaw Nations, in which Jane Davenport, mother of this applicant, was a party, after it shall have been rendered, and the decision of the Department in the Cherokee case of Prusa L. Rowland.

I now have the honor to report that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree in the case of Harriet Gordon, et al. versus the Choctaw and Chickasaw Nations, Number 106 on the Tishomingo Docket, denying the right to citizenship in the Choctaw nation of Jane Davenport, the mother of the applicant herein, Clyde Davenport.

2

The original record in the matter of the application for the enrollment of Clyde Davenport as a citizen of the Choctaw Nation is herewith returned.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Choctaw R 74.

7-R-74

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

Land.
88562-1904.

WASHINGTON January 12, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated December 14, 1904, transmitting the record of the application of Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation.

December 8, 1902, the Commission decided adversely to the applicant.

The record shows that the application was made between the 4th and 13th day of September, 1899. It does not appear that Clyde Davenport has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States Tribunal.

It is shown that he was born February 18, 1895; that his mother, under the name of Jane McPhartridge, made application for her own admission only to the Commission to the Five Civilized Tribes on September 7, 1896, and her said application was denied by the Commission December 5, 1896. Upon her appeal to the United States Court, Southern District, Indian

2----

Territory, the decision of the Commission was reversed and said Jane McPhartridge, as Jane Davenport, was admitted to citizenship by blood in the Choctaw Nation on January 20, 1898. The name of Clyde Davenport was not included in the original application of the decree of the United States Court.

In view of the record and of the Act of Congress of June 28, 1898 (30 Stats., 495) the approval of the Commission's decision adverse to Clyde Davenport is recommended.

Very Respectfully,

M.M.M.
W.

C. F. Larrabee
Acting Commissioner.

C.R.

DEPARTMENT OF THE INTERIOR

LLB

D.C. 3097-1905.
I.T.D. 3888-1903.
2168-1904.
374-1905.

WASHINGTON January 16, 1906.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

December 8, 1902, you transmitted the record in the matter of the application of Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation, including your decision of the same date refusing said application.

June 28, 1904, the Department remanded the case to the Commission to be readjudicated in accordance with the judgment of the Choctaw and Chickasaw Citizenship Court in the case of Harriett Gordon et al. vs. the Choctaw and Chickasaw nations, to which Jane Davenport, mother of applicant, was a party.

December 14, 1904, the Commission in returning the record reported that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree in the case of Harriett Gordon et al. Vs. the Choctaw and Chickasaw Nation, No. 106 on the Fishomings docket, denying the right to citizenship in the Choctaw Nation of Jane Davenport, mother of the Applicant herein,

2--

Clyde Davenport.

January 12, 1906, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision adverse to the applicant, Clyde Davenport, be affirmed. Copy of said letter is herewith inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

1 inclosure.

THSO. RYAN,
Acting Secretary.

Chectaw R 74

COPY.

Muskagee, Indian Territory, January 27, 1905.

Jane Davenport,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 16, 1905, affirmed the decision of this Commission dated December 8, 1902, denying the application made by you for the enrollment of your minor child, Clyde Davenport, as a citizen of the Chectaw Nation.

Respectfully,

WIGNESS

Tame Bixby

Chairman.

Choctaw R 74.

COPY.

Muskogee, Indian Territory, January 27, 1905.

Mansfield, McMurray & Gerniah,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 16, 1905, affirmed the decision of this Commission dated December 8, 1902, denying the application for the enrollment of Clyde Davenport as a citizen of the Choctaw Nation.

Respectfully,

SIGNED.

James Birby

Chairman.

7R74

Muskogee, Indian Territory, July 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental letter of June 28, 1904, (I.T.D. 3888-1903, 2189-1904), in the matter of the application made by Jane Davenport for the enrollment of her minor child, Clyde Davenport, as a citizen of the Choctaw Nation. Accompanying the same is the report of the Acting Commissioner of Indian Affairs of April 16, 1903, (Land 73818-1903), recommending that the record in this case be returned to the Commission in order that the decision may be deferred in accordance with a decision of the Choctaw and Chickasaw Citizenship Court in the case of Harriet Gordon, et al., versus the Choctaw Nation, in which Jane Davenport, mother of Clyde Davenport, was a party, after it shall have been rendered, and Departmental decision in the Bruce L. Howland case.

In Departmental communication of June 28, 1904, it is stated that the testimony and other papers submitted in the case are returned to the Commission, and the Commission is directed to take proper action thereon in accordance with the recommendation of the Acting Commissioner of Indian Affairs.

Secretary 2.

I now have the honor to advise that the testimony and record in the case of Clyde Davenport were not enclosed with Departmental communication of June 22, 1904, and it is requested that the same be returned to the Commission in order that proper action may be taken thereon, under Departmental instructions of that date.

Very respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

W.O.B.

COMMISSIONERS:
TAMM BERRY,
THOMAS A. BRIDGES,
C. E. HENDERSON,
W. C. HALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IS MADE TO THE CHAIRMAN
Choctaw R 74

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 27, 1905.

Jane Davenport,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 16, 1905, affirmed the decision of this Commission dated December 8, 1902, denying the application made by you for the enrollment of your minor child, Clyde Davenport, as a citizen of the Choctaw Nation.

Respectfully,



Chairman.

Maskogee, Indian Territory, July 28, 1906.

L. D. Herton,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 19, 1906, in which you ask that the matter of the application of Arizona Robinson and her children for enrollment as citizens of the Choctaw Nation be disposed of as early as practicable.

In reply you are advised that this matter will be taken up for consideration as early as practicable and when a decision is rendered therein you will be notified of the action taken.

Respectfully,

Commissioner.

2nd Police
Sept 16 1902

Reg # 63

Jane Savenport

UNCLAIMED.

~~Smith McAlister~~

J.F. 3003

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



REGISTERED
JAN 14 1903
MUSKOGEE, IND. TER.

DEC 13
MUSKOGEE

COMMISSIONERS
HENRY L. DAWES,
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1000
REFER IN REPLY TO THE FOLLOWING

Choctaw R . 74

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1902.

Jane Davenport,

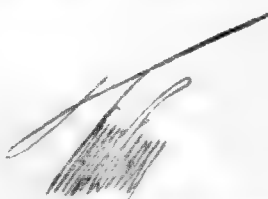
South McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you, for the enrollment of your minor child, Clyde Davenport, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Acting Chairman.

Registered.

Enc. 188. 9

CHOCTAW

Clyde Davenport

REFUSED DEC 8 1902

COPY OF DECISION FORWARDED
APPLICANT DEC 8 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS DEC 8 1902

RECORD FORWARDED DEPARTMENT.
DEC 8 1902

*June 28, 1904 Record returned for readjudication
in accordance with decree of Choctaw &
Chickasaw Citizenship Court in case of Harriet
Aug. 2, 1904. Report to Dept. that Citizenship Court
has not passed on said case and record will
be held pending such decision
Dec 14, 1904. Record returned to Department
with report that Choctaw and Chickasaw
Citizenship Court has denied Jane Davenport
another of applicant.*

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JAN 1 6 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JAN 2 7 1905

OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS JAN 2 7 1905

CHOCTAW R. 75

Rosa Dillo, et al.

Record transferred to

CHOCTAW. # 5844

Choc R26

Stella A. Oen

R26

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Thomas J. Dorn for the enrollment of his children as Choctaws; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A Thomas J. Dorn.

Q How old are you? A Forty-five.

Q Your wife was admitted by the United States Court at Ardmore?

A Yes sir.

Q When? A I think it was the 23rd of December 1896.

Q You say she had some children not in the judgment? A Yes sir.

Q What are their names? A Stella A., 12 years old; Effie, 9 years old; Louvinia J., 7 years old; Tommie O., born December 15th 1896.

Q These children were born before the judgment and not included in the judgment? A Yes sir.

Com'r McKennon: We have no authority to enroll them, and enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Dorn for the enrollment of his three minor children, Stella A. Dorn, Effie Dorn, and Louvinia J. Dorn, as citizens by blood of the Choctaw Nation.

--: DECISION :--

The record in this case shows that Thomas J. Dorn appeared before the Commission, at Atoka, Indian Territory, at its session beginning December 4, 1899 and ending December 6, 1899, and then and there made application for the enrollment of his four minor children, Stella A. Dorn, Effie Dorn, Louvinia J. Dorn and Fannie O. Dorn as citizens by blood of the Choctaw Nation.

It appears from the records in the possession of the Commission that Amanda Dorn, the mother of these applicants, under the name of Amanda Paddee, filed her original petition in connection with others, for citizenship in the Choctaw Nation, under the act of Congress of June 10, 1906, (34 Stat., 521), which was acted by the Commission, and an appeal was presented to the United States Court

in Indian Territory, for the Southern District, at Ardmore, Indian Territory, and said Court, in case number 187, Robert Goens, et al., vs. the Choctaw Nation, by its judgment entered of record on the 31st day of December, 1897, reversed the decision of the Commission as to Amanda Paddise, and admitted her to citizenship in the Choctaw Nation. The applicants, Stella A. Dorn, Effie Dorn and Louvinia Dorn were born prior to the filing of the original petition of their mother for citizenship under the act of June 10, 1896, (29 Stats., 321), and were not included in the petition, nor in the judgment of the Court admitting their mother to citizenship.

The other applicant, Tommie O. Dorn, being born since the filing of the original application of the mother, his rights to citizenship are not passed upon in this application, the said Tommie O. Dorn being listed for enrollment with his mother on straight Choctaw Card Number 6321.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have never been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

(3).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 26, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the father of the applicants was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for his children to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 26, 1898, (30 Stats., 495) provides:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 231), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted

(4).

as such, and its refusal of such applications shall be final when approved by the secretary of the Interior."

It is, therefore, the opinion of this Commission that Stella A. Dorn, Effie Dorn and Louvinia J. Dorn are not lawfully entitled to be enrolled as members of the Cheate Tribe of Indians in Indian Territory, and that their application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman


Commissioner.


Commissioner.

Washoe, Indian Territory

MAY -9 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 8, 1902.

In the matter of the application of Thomas J. Dorn for the enrollment of his children Stella A., Effie, and Leuvinia J. Dorn, as citizens of the Choctaw tribe of Indians, I dissent from the opinion of Commissioners Bixby and Needles, denying to these applicants the right of enrollment, and hold that said children, being minors at the time their mother was admitted to Choctaw citizenship under the Act of Congress of June 10, 1896, were, ipso facto, embraced in her application for citizenship and covered by the decision granting her citizenship rights, and hence that they should be enrolled at this time as Choctaw citizens by blood. In the absence of statutory provision covering the case we are left to analogous provisions and the principles of law. When Congress directed that this course be followed, in the first paragraph of section 21 of the Curtis law, with respect to the Cherokees, it simply gave legislative sanction to a correct principle of law, as it did in the Act of April 14, 1902, Sec. 2172, R. S. The Cherokee courts, as frequently sustained by this Commission, did not even require that the white wife of a Cherokee by blood had to be mentioned in his application for readmission to citizenship,

it mattered not how or when they were married. The husband, as the head of the family, carried the dependent wife with him. It is not as if the infant had not been applied for within the time provided by Congress. It does not bring up the question as to whether a statute of limitation runs against an infant; but it is the question as to whether the infant was included in the act performed, covered by the decision rendered, and follows the citizenship of the parent so determined, no other complications or questions existing. I do not find that the Attorney-General for the Interior Department has ever passed on this question or had it submitted to him, and I think some errors have been committed by a mistaken interpretation of his letter of June 8, 1901; and I respectfully submit this view of the matter to the consideration of the Secretary of the Interior.

C. R. McKinstry

Commissioner.

MAY -9 1902

Choctaw A. 76

COPY.

Muskogee, Indian Territory, May 9, 1902.

Thomas J. Dorn,

Center, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor children, Stella A. Dorn, Effie Dorn, Leuvina J. Dorn, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

1 inclosure
Choctaw A. 76
Registered

COPY,

Choctaw A 78

McAlester, Indian Territory, May 9, 1903.

Manfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Stella A. Dern, Effie Dern and Louvinia J. Dern as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

1 Enclosure
Choctaw A 78

COPY.

Mustagee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Thomas J. Dorn for the enrollment of his minor children, Stella A. Dorn, Effie Dorn and Louvinia J. Dorn, as citizens of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Stella A. Dorn, Effie Dorn and Louvinia J. Dorn, as citizens of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw N 74

Through the Commissioner
of Indian Affairs.

C O P Y

J. P.

DEPARTMENT OF THE INTERIOR. MAY.
Washington.

ITD.3551-1902.

October 7, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the papers in the matter of the application of Thomas J. Dorn for enrollment of his minor children, Stella A., Effie and Louvinia J. Dorn, as citizens of the Choctaw Nation.

It appears that Amanda Dorn, the mother of these applicants, under the name of Amanda Paddico was admitted to citizenship in the Choctaw nation by the United States court in the Indian Territory for the southern district, on December 21, 1897; that the applicants in the present case were born prior to the filing of the original petition of their mother for citizenship with your Commission under the act of June 10, 1896 (29 Stat., 321), and were not included in the petition nor in the judgment of the court admitting their mother to citizenship.

In accordance with the provisions of the act of May 31, 1900 (31 Stat., 821), on May 9, 1902, two members of the Commission rendered a decision holding that the application

should be rejected. A dissenting opinion was submitted by Commissioner Breckinridge May 8, 1902, in which he held that said children being minors at the time their mother was admitted to Choctaw citizenship under the act of June 10, 1898, were ipso facto embraced in her application for citizenship and covered by the decision granting her citizenship rights, and hence that they should be enrolled by your Commission as citizens by blood.

June 4, 1902, the Acting Commissioner of Indian Affairs, without any reference to the opinion of Commissioner Breckinridge, recommended that your decision be affirmed.

Finding no reason to disturb the decision of the majority of the Commission, it is affirmed and the parties left to their remedy, if any, under sections 31, 32 and 33 of the Choctaw and Chickasaw agreement contained in the act of July 1, 1902 (Public 228). A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary

1 inclosure.

RMD

COPY
Chester E 76

Washkago, Indian Territory, October 17, 1902.

Thomas J. Dorn,
Center, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of October 7, 1902, affirmed the decision of the Commission dated May 2, 1902, refusing the application made by you for the enrollment of your three minor children, Stella A., Effie and Louvinia J. Dorn, as citizens of the Choctaw Nation.

You are further advised that in affirming said decision the Secretary of the Interior states that:

"The parties are left to their remedy, if any, under sections 31, 32 and 33 of the Choctaw-Chickasaw agreement contained in the act of July 1, 1902 (Public 226),"

a copy of which is enclosed you herewith.

Respectfully,

(SIGNED)

James D. Doby

Acting Chairman.

Choc.-Chick.
agreement.
*

Waskagee, Indian Territory, October 17, 1902.

Hanfield, Mc Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of October 7, 1902, affirmed the decision of the Commission dated May 9, 1902, refusing the application made by Thomas J. Dorn for the enrollment of his three minor children, Stella A., Effie and Louvinia J. Dorn, as citizens of the Choctaw Nation.

You are further advised that in affirming said decision the Secretary of the Interior states that:

"The parties are left to their remedy, if any, under sections 31, 32 and 33 of the Choctaw-Chickasaw agreement contained in the act of July 1, 1902 (Public 228)."

Respectfully,

(SIGNED)

Acting Chairman.

SED, MAY -9 1902

FORWARDED
LIGANT MAY -9 1902

FORWARDED
MOCTAW AND
MAY -9 1902

FORWARDED DEPARTMENT MAY

APPROVED BY
Y OF INTERIOR OCT -7 1902

MENTAL
LIGANT. OCT 17 1902

#R-77

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. - 271

William C. Dolman
#R-78

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 5388

Choc R 79

Dore Dimes

829

Commission to the Five Civilized Tribes,

Durant, India a Territory.

In the enrollment of Dora Dumas as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Dora Dumas.
- Q How old are you? A Forty-seven.
- Q Are you on the Choctaw rolls? A No sir.
- Q Have you ever been? A No sir.
- Q Your father and mother ever been on the Choctaw Rolls here in the Nation? A My mother never was, I cannot tell you whether my father was or not.
- Q When did he die? A He has been dead fourteen years.
- Q Where did he die? A In Texas.
- Q He had been living there ever since you can remember? A He had had his home in Texas ever since 1850.
- Q Were you born and raised in Texas? A Yes sir.
- Q When did you come from Texas to the Territory? A In 1851.
- Q You have never applied or been admitted? A No sir.
- Q Have you ever applied? A Yes sir, we applied before the Daves commission in 1896.
- Q And were rejected? A Yes sir.

Com'r McKennon: That judgment is final against you and you cannot be enrolled.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, with my official seal as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

[Signature]

7-2-79.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Bera Dumas for
enrollment as a citizen of the Choctaw Nation.

---: DECISION :---

The record in this case shows that the applicant, Bera Dumas, appeared before the Commission, at Durant, Indian Territory, at its session beginning August 14, 1909, and ending August 18, 1909, and then and there made personal application for enrollment as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

(2).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

It appears from the records of the Commission that Dora Dumas, the applicant herein, filed her original petition for admission to citizenship in the Choctaw Nation with the Commission, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321). Under this act the applicant submitted her rights to citizenship in the Choctaw Nation for adjudication by the Commission to the Five Civilized Tribes, in Choctaw case number 66, and the Commission denied the applicant citizenship in the Choctaw Nation, and no appeal was prosecuted therefrom to the United States Court in Indian Territory.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 490), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

(5).

The act of Congress of June 28, 1898, (30 Stats., 495)

provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221)

provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any Tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that the applicant, Dora Dumas, is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Waskagee, Indian Territory,

MAY 19 1902


Acting Chairman,
Commissioner.


C. H. Burdick,
Commissioner.

W. O. B.

COMMISSIONERS

HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7 R 79.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Dora Dumas,

Durant, Indian Territory,

Dear Madam:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

7 E 70.

OFF.
Muskegee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Dora Dumas as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James F. Eddy

Acting Chairman.

1 inclosure.

Waskage, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Dora Dumas for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Dora Dumas as a citizen of said nation.

Respectfully,

Wm. D. DIXON
Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON,

June 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Dora Dumas for enrollment as a Choctaw citizen.

The Commission refused to enroll her.

From the record it appears that this applicant has never been enrolled or recognized as a Choctaw citizen, and further that she made application for citizenship in 1896, was rejected by the commission and no appeal was taken from said decision.

I respectfully recommend that the decision of the commission refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(H.S.S.) P.

COPY.

D.C. 10554-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3769-1902.

WASHINGTON.

June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Dora Dumas as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a Choctaw citizen, and the Commission acting under the act of June 10, 1896 (29 Stat., 321), denied her application, and no appeal was taken to the United States court. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F.L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Chester 2 79.

Muskogee, Indian Territory, July 1, 1908.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by Dora Dumas for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Muskogee, Indian Territory, October 29, 1901.

George F. Grilson,

Reck, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, addressed to the Secretary of the Interior and which has been referred to this Commission for consideration and appropriate action.

Therein you desire information and request instructions relative to the prosecution of the rights to citizenship in the Choctaw Nation of Mrs. Dora Dumas.

You are informed that it appears from the records of this office that at Durant, Indian Territory, in the summer of 1899, Mrs. Dora Dumas, 47 years of age, made personal application to this Commission for enrollment as a citizen by blood of the Choctaw Nation. It does not appear from an examination of the records of the Choctaw Nation in the possession of the Commission that Dora Dumas has ever been enrolled by the tribal authorities of that Nation as a citizen thereof or duly and lawfully admitted as such.

It further appears that under the Act of Congress of June 10, 1896, Dora Dumas filed with this Commission, an original application for citizenship in the Choctaw Nation and that her applica-

6202

tion was denied by the Commission. From this decision no appeal was taken in the time prescribed by Act of Congress of June 10, 1896 and the decision of the Commission relative to the rights of the applicant to citizenship in the Chectaw Nation, became final.

The record made in the matter of the application for enrollment of Dora Dumas as a citizen of the Chectaw Nation, will in due time be forwarded to the Secretary of the Interior for his approval of the Commission's action.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

401-08
6
REFER IN REPLY TO THE FOLLOWING

Choctaw R 79.

Muskogee, Indian Territory, July 1, 1902.

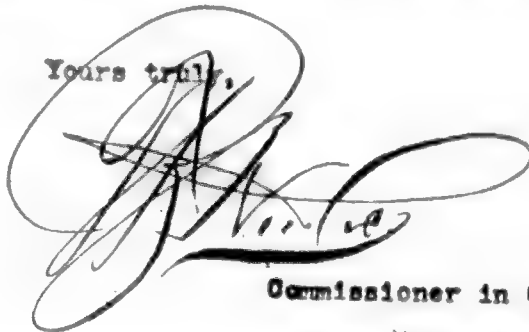
Dora Dumas,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,



Commissioner in Charge.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2184

Dora Dumas.

Shanty

Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

44-000

REFER IN REPLY TO THE FOLLOWING

Choctaw No. B-79.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of }
Dora Dumas for the enrollment of her- }
self as a citizen by blood of the }
Choctaw Nation. }

To Dora Dumas,

Durant, Indian Territory,

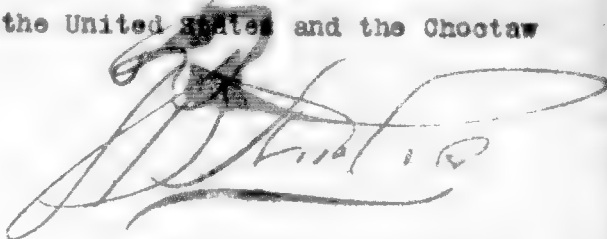
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen, hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

D. D., 2,

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

matter of the application
enrollment of Dora Jones as a
member of the Choctaw Nation.

REFUSED.

MAY 19

COPIES OF DECISION FORWARDED
APPLICANT

MAY 19

COPIES OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAY 19

COPIES OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAY 19

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

MISSISSIPPI CHOCTAW

R 80

Samantha Dulaney

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 433

Choc R81

Philip D. Durant

R81

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the application for enrollment as a Choctaw of Philip D. Durant; being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Philip D. Durant.
Q How old are you? A Sixty
Q Are you on any of the rolls of the Choctaw Nation? A No sir
Q Are your father and mother on the rolls here in the Territory- any of them? A Not that I know of.
Q Where have you been living? A Last November---
Q You moved to the Territory last November? A Yes sir
Q Been living in Texas all of your life? A I left Mississippi and then come to the Territory and then went to Texas and have been there ever since.
Q How long have you been in Texas? A Since 1847.
Q How long did you stay in the Territory here? A I don't recollect; I was small; a short time though.

Com'r McKennon: Your enrollment will be refused, because of non-residence prior to June 28th, 1898; also because you are not on the rolls, and we have no authority to enroll you.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

YRK

7-2-51.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Philip D. Durant
for the enrollment of himself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant, Philip D. Durant, appeared before the Commission at Durant, Indian Territory, during its session thereat, beginning August 14, 1899, and ending August 16, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear

that he has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

It appears from the testimony submitted that the said Philip D. Durant has lived in the state of Texas since 1847, and did not remove to and in good faith settle in Indian Territory until the month of November, 1898.

It appears from the records of the Commission that the applicant, Philip D. Durant, filed his original petition for citizenship in the Choctaw Nation with the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896 (29 Stat. 321), the same being on citizenship Docket No. 595, and this applicant was denied citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, and an appeal was taken to the United States Court in Indian Territory, Central District, at South McAlester, and said United States Court by its judgment duly entered of record on August 27, 1897, in the consolidated case of William H. Gundiff, et al., vs. Choctaw Nation, Court No. 109, sustained the action of the Commission as to this applicant, and denied the said Philip D. Durant, under the name of P. D. Durant citizenship in the Choctaw Nation.

It does not appear that the applicant, herein, Philip D. Durant has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

The act of Congress of June 28, 1898, (30 Stat., 490), in a portion of section 21, provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

And also the following:

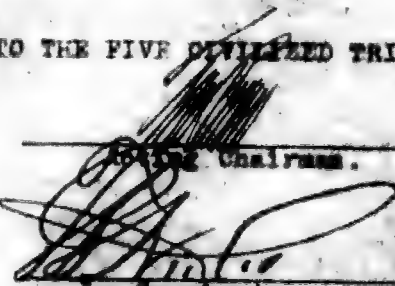
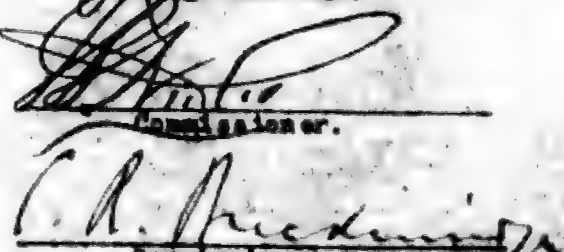
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Philip D. Durant is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Philip D. Durant
Chairman.

C. R. Buckner
Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

V 2 21.

Muskogee, Indian Territory, May 19, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Philip D. Durant as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman,

1 inclosure.

7-2-01.

Waukegon, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Philip D. Durant for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Philip D. Durant as a citizen of the Choctaw Nation.

Respectfully,

SIGNED

JAMES H. DIBBY

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Department of the Interior.
Office of Indian Affairs.

Land,
30,940-1902.

Washington June, 14 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Herewith is transmitted the record of proceedings in the matter of the application of Phillip D. Durant for enrollment as a Chectaw citizen.

The commission refused to enroll him.

This applicant filed his petition for citizenship in the Chectaw Nation with the commission under the Act of Congress of June 10, 1896, and said petition was denied. An appeal was thereupon taken to the U. S. Court and the decision of the commission was affirmed by said court.

Any rights to citizenship in the Chectaw Nation that Phillip D. Durant had, was adjudicated to a finality in said court proceedings.

I respectfully recommend that the decision of the commission refusing to enroll this applicant be approved.

Very respectfully,
Your obedient servant,
A. C. Fanner,
Acting Commissioner.

(N.S.S.)P.

D. C. 10440-1902.

Department of the Interior.

P.

I. T. D. 3776-1902.

Washington, June 19, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen: May

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Phillip D. Durant as a citizen of the Choctaw Nation. You refused his application because he has never been enrolled or admitted as a Choctaw citizen, and his application filed under the act of June 30, 1896 (29 Stat., 281), was denied by the Commission, and upon appeal being taken the United States court affirmed the Commission's action. A copy of the Acting Commissioner's letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,
Acting Secretary.

1 inclosure.

COPY

Chester B-51.

Muskogee, Indian Territory, June 26, 1902.

Phillip D. Durant,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge

COPY

Chester R-517

Muskogee, Indian Territory, June 30, 1902.

Manfield-McMurray & Cernish,

Attorneys for Cheataw & Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 18, 1902, affirming the decision of the Commission, dated May 19, 1902, refusing the application of Phillip D. Durant, for the enrollment of himself as a citizen of the Cheataw Nation.

Yours truly,

SIGNED

I. B. Needles.

Commissioner in Charge.



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Philip D. Durant,

Durant,

I.T.

UNCLAIMED

7803

Wm. O. B.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7 R 81

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Philip D. Durant,
Durant, Indian Territory,

Dear Sir:

There is inclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

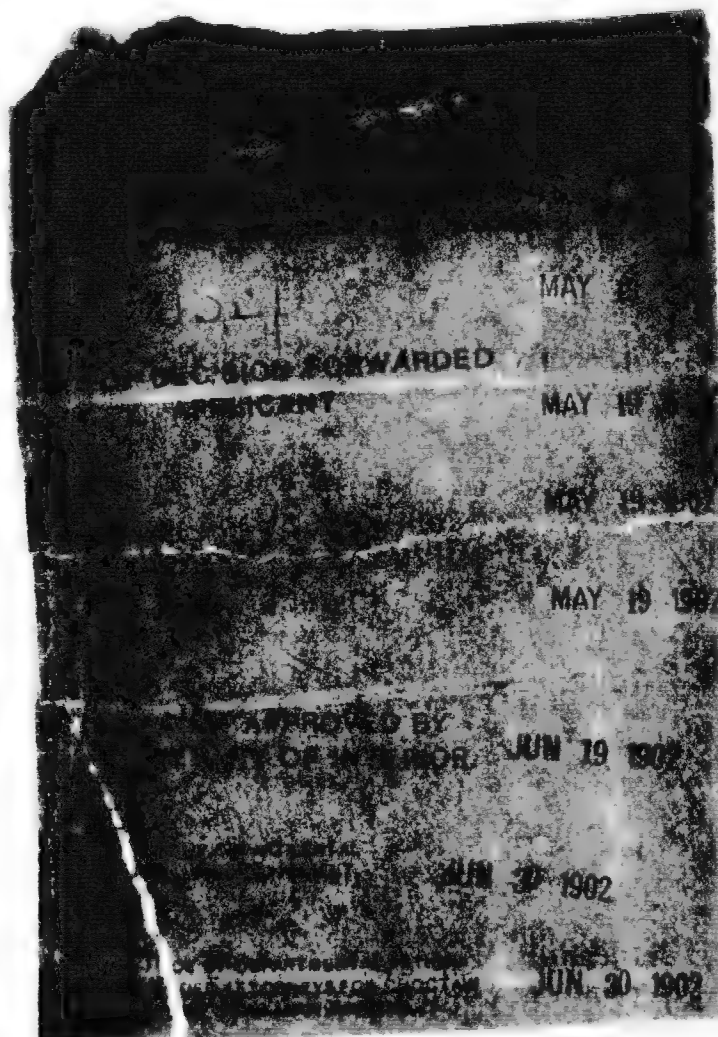
The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.



DECISION FORWARDED

APPROVED

MAY 19 1902

MAY 19 1902

MAY 19 1902

MAY 19 1902

APPROVED BY

OFFICE OF THE

JUN 19 1902

JUN 30 1902

JUN 30 1902

CHOCTAW

R. 82

S. C. Dunnum

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. * 4081

CHOCTAW

R. 83

Hannis Dunham

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 178.

CHOCTAW.

R. 84

Frank Elliott

*Card transferred to Choctaw
Card R # 846.*

Choc R85 Mary Elliott

R85

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Mary Elliott for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary Elliott.

Q How old are you? A Forty-four.

Q Were ever you enrolled on the regular rolls of the Choctaw Nation? A Yes sir.

Q When? A It has been eight years ago.

Q Did you draw leased District money? A No, I am mistaken there, I didn't get ~~ix~~ the money; I was sick then and didn't draw.

Q Did you ever draw any here? A No sir.

Q You never have been regularly enrolled? A No sir.

Q Were your father and mother on the rolls? A Yes sir.

Q In this Territory? A Yes sir.

Q Did they live here? A They lived in Blue County.

Q When did your father die? A He has been dead about sixteen years.

Q What was his name? A Major Landers.

Q Was he a white man? A No sir, he was a Choctaw.

Q What was your mother's name? A Annie Perkins.

Q When did she die? A She has been dead ever since I was six years old.

Q Was she a white woman? A No sir, Choctaw.

Q Where did she come from to the Territory? A They were raised here.

Q Who was Annie Perkins mother? A I couldn't tell you, because she died before I heard my mother say anything about it.

Q How do you know they were on the rolls? A They say they

Q Did they ever tell you they were on the rolls? A No, be-
cause I was small.

Mary Elliott #2

Q You don't know anything about it then do you? A No sir,
not much.

Q You are now forty-four years old? A Yes sir.

Com'r McKennon: You are not on the rolls, and we have no
authority to put you on the rolls, so your enrollment will be
refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Atoka, Ind. Ter June 8, 1900.

In the Matter of the Application of
Mary Elliott et al, for Enrollment as
citizens of the Chectaw Nation.

275

Mary Elliott, being first duly sworn, by Acting Chairman Bixby,
testified as follows:

- Q What is your name? A Mary Elliott.
Q Your maiden name was Landers? A Yes sir.
Q What is your age? 45 years.
Q What is your postoffice address? A Limestone, I. T.
Q Do you live at Limestone? A 6 Miles North.
Q In the Chectaw Nation? A Yes sir.
Q How long have you lived there? A Three years.
Q Do you remember the month in which you came to the Chectaw Nation?
A I have been in the Chectaw Nation all my life; was raised right here
in the Chectaw Nation.
Q Have you been out of the Ind. ter. during the past 3 years?
A No sir.
Q What is the name of your father? A Major Landers.
Q Is he living? A No sir.
Q Was he a white man or a Chectaw? A He was a Chectaw Indian.
Q What proportion of Chectaw did he have? A Half breed.
Q Was he on the rolls of the Chectaw nation when alive? A Yes, he
has been dead quite a smart while.
Q What county in the Chectaw Nation did your father belong to? A Some
Blue County.
Q You know that of your own knowledge, do you? A Yes sir.
Q What is the name of your mother? A Annie Perkins.
Q Is she living? A No sir. She has been dead since I was a
child.
Q Was she a Chectaw Indian? A Yes sir.
Q What proportion of Chectaw blood did she claim? A I don't know.
Q What county did she claim to belong to? A Blue Co.
Q Do you know that of your own knowledge? A Yes, she was married in
Blue Co.
Q What proportion of Chectaw blood do you claim to have? A 1/4.
Q Are you on the Chectaw Indian rolls now? A No, I went to McAlester
in 1896 and they put me on the rolls. they said, but they put me on
the wrong book. I didn't go before the Dawes Commission; they told
me my right was all right, and afterwards I found they put me on
the wrong book.
Q You have applied to the Chectaw tribal authorities for enrollment as
a Chectaw Indian by blood? A Yes sir.
Q Were you admitted or rejected? A I wasn't rejected and I wasn't
admitted; they put me on the wrong book.
Q How do you know they put you on the wrong book? A I was told.
Q You don't know of your own knowledge what action the Chectaw au-
thorities took? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No, I didn't go
before the Dawes Commission; they told me I was all right.
Q You didn't send in your application at all to the Dawes Commission,
did you? A No sir.
Q Has your case ever been before the Dawes Commission? A No.
Q This is the first application you have ever made before the Dawes C
Commission, is it? A Yes sir.
Q Have you been before the Dawes Commission before? A Yes, I was
last August.
Q What did they do? A They wouldn't notice--just throw me out.

2- Mary Elliott.

- Q They took your testimony, didn't they? A No.
Q You appear to have been under oath, and to have testified (examining records)
A I didn't testify—but—
Q At Atoka, wasn't it? A Yes, last August.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Jim Elliott.
Q Is he a citizen of the U. S.? A Yes sir.
Q Are you claiming any rights for him? A No sir.
Q When were you married? A I have been married 26 years.
Q Where were you married? A Skullville Co. I. T.
Q Under Chectaw or U. S. law? A Under U. S. law.
Q Have you any children? A Yes sir.
Q Are they under 21 years? A All but one.
Q Please give the names of your children under 21 years of age, and un married.
A Edward E. 18, Willie E. 13, Jimmie, 10, Artemissa, 6 years.
Q Do you desire to apply for your children? A Yes sir.
Q Are these children all living with you? A Yes sir.
Q And their postoffice address the same as yours? A Yes sir.
Q Is there any additional statement in regard to your case in the form of statements, affidavits or other proper papers that you desire to present at this time? A No sir.
Q You will be permitted to offer any additional evidence that you may desire. This testimony and such papers as you may see fit to file with this Commission will be forwarded to the Hon. Secretary of the Interior when the rolls of the citizens of the Chectaw Nation are sent to him for his examination and final approval.

Your enrollment, and the enrollment of your children is refused for the reason that your names do not appear on the rolls of the Chectaw Nation now in the possession of this Commission, and for the additional reason that it does not appear that either you or your children have ever been recognized as citizens of the Chectaw Nation by the properly constituted authorities of the Chectaw Nation, and you have not been admitted to citizenship by the commission to the five civilized tribes acting under the law of June, 10, 1896, or by a judgment of the United States Court for the Indian Territory.

Frances R. Brown being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing transcript is a full and true transcript of the testimony of said witness.

Frances R. Brown

Subscribed in my presence and sworn to before me this 14th day of June, A. D., 1900.


Acting Chairman.

7-R-85

CHOCTAW NATION.

ss:
COUNTY OF TOBUCKSY.

Before me, A. W. McClure, Clerk in and for the County of Tobucksy, Choctaw Nation, came Mary Johnson, who being duly sworn deposes and says:

I am a Choctaw Indian by blood and I am forty five years of age; I live and reside in the County of Tobucksy, Choctaw Nation. I was well acquainted with Major Landers who use to keep a grist mill at old Boggy Depot, who was a Choctaw by blood; this was a good many years ago; I don't remember just what year. I also am well acquainted with Mrs. Mary Elliott, who is a daughter of old Major Landers who kept a mill at old Boggy Depot. Major Landers is now dead; died in Skullyville County about 6 yrs ago. Mrs. Elliott is now living and resides in the county of Tobucksy, Choctaw Nation, and had five living children, viz:

Frank, Edward, Willie, Jimmy and Artemessa Elliott, all live in Tobucksy County Choctaw Nation.

This all about what I know in regard to Mrs. Elliott.

(Signed) Mary ^{her} x Johnson.
mark.

Ed Gelling.

Sworn and subscribed before me on this the 19th day of Oct. A. D. 1896.

(Signed) A. W. McClure.

(Seal)

County and Probate Clerk,

Tobucksy County, C. N.

There appears on the back of this affidavit:

"Affidavit to be filed in support of the claim of Mary Elliott: Department of the Interior. Commission to the Five Civilized Tribes. Filed Sep. 4, 1900. Tama Bixby, Acting Chairman".

"6155"

7-R-85

Indian Territory.
Central District.

Personally appeared before me the undersigned Notary Public, in and for the Central District, of the Indian Territory, Mr. W. H. Secer, to me personally well known, who being duly sworn states, that he is 64 years of age and a citizen of the Choctaw Nation; that he was personally acquainted with one Major Landers who owned and operated a Grist Mill at Boggy Depot in the Choctaw Nation, about the year 1872. And that he lived in Boggy Depot at that time, and that Major Landers, was very dark skinned, and looked like a full blood Choctaw Indian, and was known as such.

(Signed) W. H. Secer.

Subscribed and sworn to before me this 18th day of September, 1897.

(Seal).

(Signed) W. H. Ansley.

Notary Public.

Central District, I. T.

My Com. Exp. August 31st. 1901.

There appears on the back:

6155. Affidavit to be filed in support of the claim of Mary Elliott. Department of the Interior. Commission to the Five Civilized Tribes. Filed Sep. 4, 1900.

Tame Bixby, Acting Chairman.

Choctaw No. R. 85.

Muskogee, Indian Territory, February 16, 1902

In the matter of the application of Mary Elliott for the enrollment of herself and her four minor children, Edward E., Willie E., Jimmie and Artemissa Elliott as citizens by blood of the Choctaw Nation.

To Mary Elliott,

Limestone, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Choctaws under the provisions of the act of Congress of June, 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, between the United States and the Choctaw Nation.

(Signed) T. B. Needles.

Commissioner in Charge.

Register.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Elliott and her minor children, Edward E. Elliott, Willie E. Elliott, Jimmie Elliott and Artemissa Elliott, as citizens by blood of the Choctaw Nation.

---D E C I S I O N---

It appears from the census card records in this case that Mary Elliott appeared before the Commission at Atoka, Indian Territory, at its session beginning August 28th, 1899, and ending September 2nd, 1899, and made personal application for the enrollment of herself as a citizen by blood of the Choctaw Nation, and that thereafter, on the 8th day of June 1900, further proceedings were had in said case at Atoka, Indian Territory, whereby Edward E. Elliott, Willie E. Elliott, Jimmie Elliott and Artemissa Elliott minor children of said Mary Elliott were included in said application.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation; neither does it appear from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that these applicants have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a deputy of the

provisions of the act of Congress approved June 10, 1894, (28 Stat. 381).

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of Congress of June 28, 1898, (30 Stat. 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicants were on the 15th day of February, 1902, notified by registered mail that they would be allowed thirty days from the date thereof in which to set forth that they claimed a right to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response to said notice has been received from or in behalf of the applicants.

It is, therefore, the opinion of the Commission that Mary Elliott, Edward E. Elliott, Willie E. Elliott, Jimmie Elliott and Artemias Elliott are not lawfully entitled to be enrolled as citizens of the Choctaw Nation in Indian Territory, and that their application therefor, should be refused under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]
Chairman.
[Handwritten signature]
Commissioner.
[Handwritten signature]
Commissioner.

Muskogee, Indian Territory.

Dec 1 1902

COPY

Choctaw R. M.

Muskogee, Indian Territory, December 1, 1902.

Spencerfield, McMurray & Cernick,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Mary Elliott and her four minor children, Edward E., Willie E., Flande and Armandus Elliott, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Acting Chairman.

MA. R. M.

COPY

Muskogee, Indian Territory, December 1, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Mary Elliott for the enrollment of herself and her four minor children, Edward E., Willie E., Fannie and Artemus Elliott, as citizens of the Choctaw Nation, including the decision of the Commission dated December 2, 1908, denying said application.

Respectfully,

SIGNED

WILLIE D. DODD.

Acting Chairman.

Enc. Choctaw R. 85

Through the

Commissioner of Indian Affairs.

Choctaw-R-85

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary Elliott,

Limestone, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of June 17, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by you for the enrollment of yourself, and your minor children, Edward E., Willie E., Jimmie and Artemisia Elliott, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 17, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by Mary Elliott, for the enrollment of herself, and her minor children, Edward E., Willie E., Jimmie and Artemesia Elliott, as citizens of the Choctaw Nation.

Respectfully,

T. B. Needles.
Commissioner in Charge.

D.C. 17553

Copy
Department of the Interior,
Washington,

WCF. BAP.

ITD. 4934—1903.

June 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

December 1, 1902, you transmitted the record in the matter of the application for enrollment of Mary Elliott and her minor children, Edward E., Willie E.? Jimmie and Artemissa Elliott as citizens by blood of the Choctaw Nation.

It appears from the records that the applicants have never been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory. You refused the application December 1, 1902.

Reporting June 5, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

E.A. Hitchcock.

Secretary.

1 inclosure.

Land.
72396--1903.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, June 5, 1903

Rhe Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated December 1, 1902, forwarding the record relative to the application of Mary Elliott for the enrollment of herself and her four minor children, Edward E., Willie E., Jimmie and Artemissa Elliott as citizens of the Choctaw Nation.

December 1, 1902, the Commission held that the applicants were not entitled to enrollment.

From the record it does not appear that any of the applicants have been enrolled as citizens of the Choctaw Nation by the tribal authorities, the Commission or the court, and they have never been recognized as citizens of said nation.

February 15, 1902, the principal applicant was notified that she would be allowed thirty days in which to present any claim she might have tending to establish her right to identification as a Mississippi Choctaw. The Commission states that no response to said notice was received.

The applicants are not, under the provisions of the Act of May 31, 1900, entitled to enrollment as citizens by blood.

The applicants claim descent from one Major Landers who, it seems, owned and operated a grist mill at Old Beggy Depot in the Choctaw Nation. The records of this office do not show that any

one by the name of Landers complier attempted to comply with the provisions of the 14th article of the treaty of 1830, and these applicants therefore are not entitled to identification by reason of their descent from said Major Landers.

The approval of the Commission's decision is recommended.

Very respectfully

A.C. Tonner,
Acting Commissioner.

G.A.W. (B)

Muskogee, Indian Territory, September 24, 1902.

Postmaster,

Limestone, Indian Territory.

Dear Sir:-

On February 21, 1902, there was forwarded from this office, by registered mail, register No. 2201, a letter addressed to Mary Elliott, Limestone, Indian Territory, for which no delivery receipt has yet been received. If this letter has been delivered, please advise date of such delivery; if on hand unclaimed, please return same to this office.

Respectfully,

Acting Chairman.

Cheotaw R-85.

Muskogee, Indian Territory, January 29, 1903.

Emeline Mason,

Bengal, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 15th, in which you state that your sister, Mary Elliott, and her children have been on the rolls about three years and a half. You further state that you went to South McAlester for the purpose of appearing before the Commission at its recent appointment, but arrived there too late to meet the Commission. You therefore ask what steps you should take in order to present your application for enrollment.

In reply to your letter you are advised that it appears from our records that Mary Elliott and her children, Edward E., Willie, Jimmie and Artemissa Elliott, were applicants to this Commission for enrollment as citizens by blood of the Cheotaw Nation, and that on November 3, 1902, the Commission refused their application. On the same date the record of their case was forwarded to the Secretary of the Interior for approval. The Commission has not yet been advised of the action of the Secretary in this case.

You are informed that it does not appear from our records

N.M., 2.

ords that you are an applicant to this Commission for enrollment as a citizen of the Choctaw Nation. You are further advised that under the provisions of the act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, the rolls of citizenship of the Choctaw and Chickasaw Nations closed as of September 25, 1902, and on December 24, 1902, the ninety days specified therein within which the Commission could receive and consider original applications for enrollment in the Choctaw and Chickasaw Nations expired, and since that date the Commission is without authority to receive or consider any original application for enrollment in either of the above named tribes.

Respectfully,

Acting Chairman.

Choctaw R 88
Choctaw R546

Washknee, Indian Territory, January 29, 1903.

S. C. Smith,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 31, 1902, in which you ask if Emiline Hill, Cassie Crowell, Dora Brown, Winnie Tucker, daughter of Rutline Hill, and Freddie, Cassie and Jeffie Crowell, children of Cassie Crowell, and Earl Brown, son of Dora Brown, are regularly enrolled citizens of the Choctaw Nation. You state that Emiline Hill has a right to enrollment as she is the sister of Mary Elliott, who is regularly enrolled and has an undisputed blood right. You ask, if they are not already enrolled, how to proceed to have the said Emiline Hill and her heirs enrolled.

You also give information of the death of Ed and Mintie Elliott, who, you say, are regularly enrolled citizens of the Choctaw Nation.

In reply to your letter you are informed that it appears from our records that Mary Elliott and her children, Edward E., Willie, Fannie and Artemissa Elliott, and Frank Elliott and his wife, Ellen C., and their children Abner E. and Mintie E. Elliott were applicants to this Commission for enrollment in the Choctaw Nation.

S C E E

that on December 1, 1902, the Commission refused the applications for the above named persons, and they were advised of the action of the Commission. On the same date the records in these cases were forwarded to the Secretary of the Interior for approval. The Commission has not yet been advised of the action of the Secretary.

You are further informed that it does not appear from our records that application has ever been made to this Commission for the enrollment of Emiline Hill and her descendants named by you as citizens of the Choctaw Nation. Under the provisions of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902, the rolls of citizenship of the Choctaw and Chickasaw Nations closed as of September 25, 1902, and on December 24, 1902, the ninety days specified therein within which the Commission would receive and consider original applications for enrollment in these two nations expired, and since that date the Commission is without authority to receive or consider any original applications for enrollment in the Choctaw and Chickasaw Nations.

Respectfully,

Acting Chairman.

1
COMMISSIONERS
TAMM DIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

98
REFER IN REPLY TO THE FOLLOWING

Choctaw-R-85

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 14, 1903.

Mary Elliott,

Limestone, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of June 17, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by you for the enrollment of yourself, and your minor children, Edward E., Willie E., Jimmie and Artemissa Elliott, as citizens of the Choctaw Nation.

Respectfully,



Commissioner in Charge.

Muskogee, Indian Territory, December 15, 1904.

Mary Elliott,

Dexter, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 9, 1904, asking if you and your children Katie, Willie, Jimmie and Artymias Elliott have been denied.

In reply to your letter you are informed that on December 1, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing your application for the enrollment of yourself and your children Edward E., Willie E., Jimmie and Artimias Elliott as citizens by blood of the Choctaw Nation, which action was approved by the Secretary of the Interior June 17, 1903. The Commission therefore considers this case closed.

Respectfully,

Chairman.

7-R-88

Muskogee, Indian Territory, July 31, 1905.

Charles E. Tucker,

Bengal, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 25, 1905, asking if Mary Elliott is enrolled.

In reply to your letter you are advised that on December 1, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Mary Elliott for the enrollment of herself and her children Edward, Willie, Lammie and Artemissa Elliott as citizens by blood of the Choctaw Nation and on June 17, 1903, this action of said decision was affirmed by the Department.

Respectfully,

Commissioner.

MEMORANDA.

Name

Choctaw ?

County

Year

No.

Chickasaw ?

County

Year

Page

Citizen by blood ?

Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ?

County

Year

No.

Chickasaw ?

County

Year

Page

Citizen by blood ?

Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children :

Edward Elliott

County

Year

Page

No.

Willie

County

Year

Page

No.

Jimie

County

Year

Page

No.

Mitamine

County

Year

Page

No.

County

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Year

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Year

Page

No.

County

County

Year

Page

No.

P.O. Simmeston
Father Major Sandie
Mother Annie Perkins

Refused



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2201

7644

Mary Elliott,

Limestone,

Indian Territory.

Returned to sender unclaimed

Chas



COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS S. NEEDLES,
C. R. BECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4003

REFER IN REPLY TO THE FOLLOWING

Chectaw No. R-85.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of)
Mary Elliott, for the enrollment of)
herself and her four minor children,)
Edward E., Willie E., Jimmie, and)
Artemissa Elliott, as citizens by)
blood of the Chectaw Nation.

To Mary Elliott,

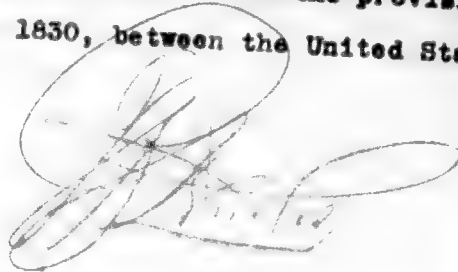
Limestone, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you and your children are entitled to be identified as Mississippi Chectaws, under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M. E., 2.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of article fourteen of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Uncalled for.
Whereabouts unknown
to this office



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

2030

~~Mary Elliott~~
~~Simmons~~ ~~lyar~~

Return to writer

~~Snider~~ 1909

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for use, \$300.

4471



Mary Elliott,

Linestone, Indian Territory.

Linestone Gap

2856

REGISTERED
FEB 11 1909
MUSKOGEE, IND. TER.

40-03

COMMISSIONERS

HENRY L. DAWES,
TAMM SIXBY,
THOMAS D. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R. 85

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 1, 1902.

Mary Elliott,

Limestone, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your four minor children, Edward E., Willie E., Jimmie and Artemissa Elliott, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

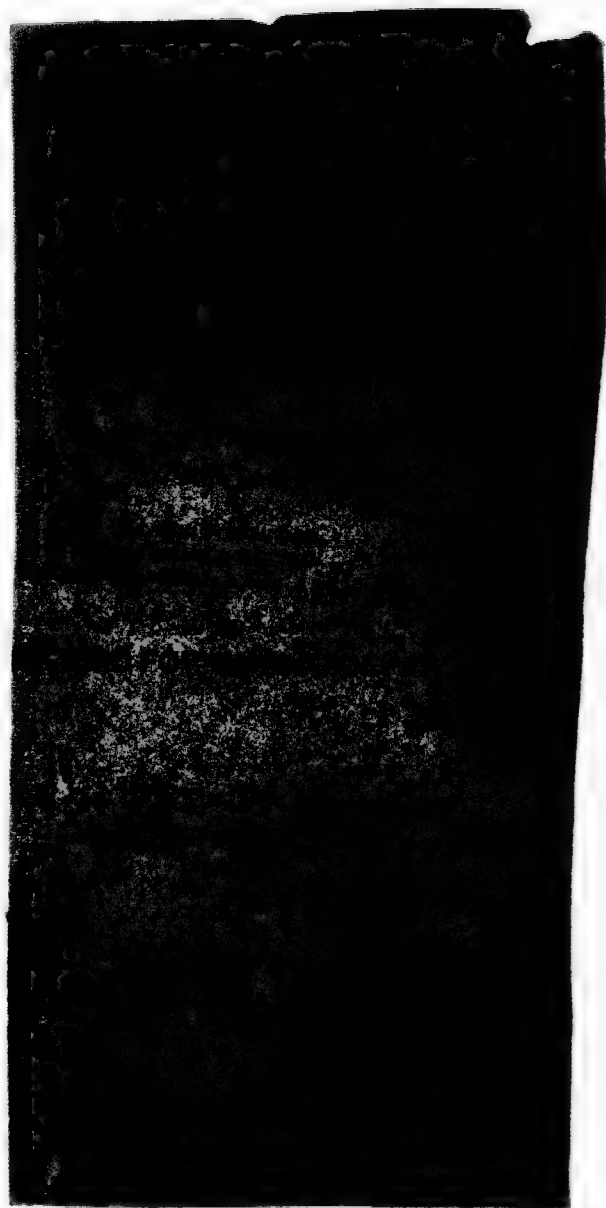
Respectfully,



Acting Chairman.

Registered.

Enc. MT. 32



CHOCTAW

7. 86

William Esau

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. * 2250

Choc R87 John R. Escue

R87

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of John R. Eacue for enrollment as a Choctaw; being sworn and examined by Com'r McKennon, he testifies:

Q What is your name? A John R. Eacue.

Q How old are you? A 63.

Q Where are you living? A I am living in the Chickasaw Nation.

Q When did you come there? A First of January last.

Q Where from? A From Texas.

Q How long had you been living in Texas? A Six years.

Q Where did you go from to Texas? A From Tennessee.

Q How long did you live in Tennessee? A All my life; born and raised there.

Q You are not on the Choctaw rolls? A No sir, I am not on.

Q Your father and mother are not on these rolls are they?

A No sir.

Com'r McKennon: You had not removed to the Choctaw Nation prior to June 28th, 1898, and not being on the rolls your enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, under my official oath as stenographer, and as a member of the Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. McKennon

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John E. News for enrollment as a citizen of the Cheatar Nation.

--- DECISION ---

The record in this case shows that the applicant, John E. News, appeared before the Commission, at Durant, Indian Territory at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Cheatar Nation.

It appears from the evidence submitted that the applicant, John E. News, had been living in the state of Texas for six years prior to the first of January, 1899, and that prior to that time he lived all his life in the state of Tennessee.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheatar Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cheatar Nation, nor does his name appear on the rolls of the Cheatar Nation.

(2).

the possession of the Commission, nor does it appear that he has ever been admitted to Chectaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Chectaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that the applicant has ever been married in accordance with the tribal laws of the Chectaw Nation to a recognized and enrolled citizen of that Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Chectaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 493), as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Chectaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 493)

(3).

provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cheetaw and Chickasaw citizenship under the treaties and the laws of said tribes."

And also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

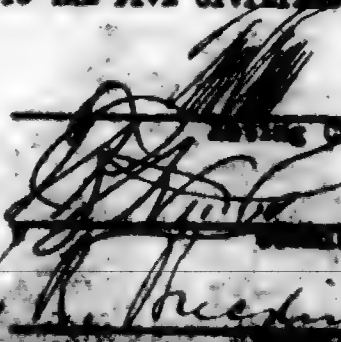
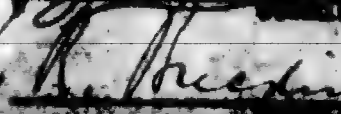
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that John R. Emue is not lawfully entitled to be enrolled as a member of the Cheetaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory

MAY 19 1902


Acting Chairman.

Secretary.

9 2 37.

COPY

Muskogee, Indian Territory, May 19, 1908.

John R. Meade,
Durant, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

7287.

Muskogee, Indian Territory, May 19, 1902.

Mansfield, H Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John R. Boone as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

7 R 57.

COPY

Waskagee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of John R. Reese for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of John R. Reese as a citizen of the Choctaw Nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Department of the Interior,
Office of Indian Affairs.

Land,
30,243-1902.

Washington June 14, 1902.

The Honorable,
The Secretary of the Interior,
Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of John H. Evans for enrollment as a Chectaw citizen.

The Commission refused to enroll him.

From the record it appears that this applicant has never been enrolled or recognized as a Chectaw citizen.

It is therefore the opinion of this office that the Commission had no authority to enroll him.

I respectfully recommend that the decision of the commission in refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

(R.S.S.)
P.

D. C.-15437-1902.

Department of the Interior.

I. T. D. 3777-1902.

Washington June 19, 1902.

L. E. S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of John R. Evans as a citizen of the Choctaw Nation. You refused his application because he has never been enrolled or admitted as a Choctaw citizen, and had not prior to June 23, 1898, removed to and settled in good faith in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. J. Campbell,

Acting Secretary.

2 inclosures.

COPY.

Chectaw R 84

Muskogee, Indian Territory, June 30, 1902.

John B. Bruce,

Durant, Indian Territory,

Dear Sir,

You are hereby advised that the Secretary of the Interior, under date of June 18, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Chester B-37.

Muskogee, Indian Territory, June 30, 1902.

Winfield-McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior,
under date of June 19, 1902, affirmed the decision of the Commission,
dated May 19, 1902, refusing the application made by John A. Brown,
for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2186

John H. Escue,

Agent.

Indian Territory.



COMMISSIONERS
HENRY L. DAWES.
TAMM BIRNEY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-87.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of
John R. Escue, for the enrollment of
himself as a citizen by blood of the
Choctaw Nation. }

To John R. Escue,

Durant, Indian Territory.

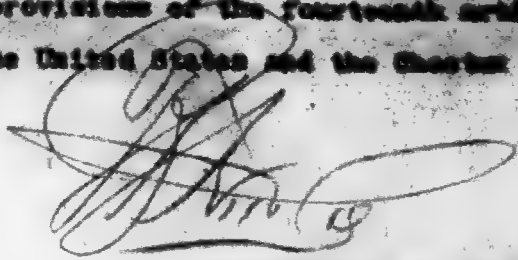
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

J. R. R., 1.

descendant of Cherokee Indians, who resided in the state of Mississippi, in 1830, and that your ancestors, such Cherokee Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Cherokee Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

... of the Choctaw Nation.

REFUSED.

MAY 18

NOTICE OF DECISION FORWARDED
APPLICANT

MAY 18

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND

MAY 18

NOTICE OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND

MAY 18

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

Choc 988 Henry Ezelle

988

MEMORANDA.

Name Henry Ezelle (22) June 13, 1900.
 Choctaw? yes County Wade, J. J. Year 1900 No. 1900

Chickasaw? County Year Page
 Citizen by blood? yes (1/8) Mother's citizenship Choct. (1/4)
 Intermarried citizen?

Married under what law?
 License filed this day,

Wife's name,
 Choctaw? County Year No. 1900

Chickasaw? County Year Page
 Citizen by blood? Mother's citizenship

Intermarried citizen?
 Married under what law?

License filed this day
 Names of children:

County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.
County	Year	Page	No.

John Ezelle, (father.) ✓
Sarah Jane Ezelle, (mother.) ✓

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Henry Esell as a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A Henry Esell.

Q How old are you? A 21.

Q You are not on the roll? A No sir.

Q Your mother and father on any roll? A No sir.

Q Where did you come from to the Territory? A From Texas.

Q When? A I don't know.

Q Were you born in Texas? A Yes sir.

Q And lived there until you came here? A Yes sir.

Com'r McKennon: Your enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
Special Agent to the above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Green

Department of the Interior,
Commission to the Five Civilized Tribes,
Selbert, I.T., June 13, 1900.

In the matter of the application of Henry Huelle for enrollment as a Choctaw by blood, being sworn and examined by Acting Chairman Bixby, he testified as follows:

- Q - What is your name? A - Henry Huelle.
Q - How old are you? A - I was 23 the 16th day of December.
Q - What is your post office address? A - Davis, I.T.
Q - How long have you been living at Davis? A - About 13 years.
Q - Have you been living at Davis continuously for 13 years?
A - Yes, sir.
Q - Where did you live before you came to Davis? A - In Jack County, Texas.
Q - Were you born in Texas? A - I was born in Cooke County, Texas.
Q - You have already made an application to this Commission, haven't you.
A - Yes, sir, my mother was in here a while ago.
Q - Didn't you make an application a year ago at Durant?
A - Yes, sir.
Q - What is the name of your father? A - John Huelle.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - Yes, sir, he is a white man.
Q - What is the name of your mother? A - Sarah J. Huelle.
Q - Is she living? A - Yes, sir.
Q - She is a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood does she claim to have?
A - $1/4$.
Q - Has her name ever been on the Tribal rolls of the Choctaw Nation? A - No, sir.
Q - Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - $1/8$.
Q - Is your name on the Tribal rolls? A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Have you ever applied to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - Yes.
Q - Four years ago? A - Not that year, it was at Durant last year.
Q - You didn't apply in 1896 then? A - No, sir.
Q - Did any of your people apply in 1896 to the Dawes Commission?
A - Not that I knew of.
Q - Did any of your people ever apply for admission as Cherokee?
A - No, sir, not that I know of.
Q - You don't claim to have any Cherokee blood? A - No, sir.
Q - This is only your second application? A - Yes, sir.
Q - Are you married? A - No, sir.
Q - Is there any additional statement in regard to your case that you would like to make at this time? A - Nothing more than that the papers all went in together, mine and my mother's together at Durant.
Q - How old did you say you were? A - I will be 23 the 16th of December.
Q - In order to have the papers considered in your case they should be filed separately. You will be permitted to offer any additional evidence in the form of statements, affidavits, or other proper papers if you desire to do so. The testimony in this case and such papers as you may desire to file with the Commission will be forwarded to the Honorable Secretary of the Interior for his

Henry Shells - 2.

communication and consideration when the rolls of the citizens of the
Shoshone Nation are sent to him for final approval.

Your enrollment is refused for the reason that your name
does not appear upon the Tribal rolls of the Shoshone Nation nor
in the possession of this Commissioner, nor does it appear from
your witnesses and from the record that you have ever been admitted
or recognized by the properly constituted Tribal authorities as a
Shoshone Indian by blood, or that you were admitted to citizenship
by blood or that you were admitted to citizenship in the Shoshone
Nation by the Commission to the Five Civilized Tribes acting under
the law of June 10, 1906, nor by the judgment of the United States
Court in the Indian Territory.

Brace S. Jones, being duly sworn, says that as stenographer
to the Commission to the Five Civilized Tribes he reported the
testimony of the above named witness, and that the foregoing is a
full, true and correct translation of his stenographic notes.

Brace S. Jones

Sworn to and subscribed before me this the 75 day of June, 1906.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Basile for the enrollment of himself as a citizen by blood of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant, Henry Basile, appeared before the Commission, at Durant, Indian Territory, at its session beginning August 14, 1900, and ending August 18, 1900, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation, and thereafter, on June 15, 1900, the applicant again appeared before the Commission at Colbert, Indian Territory, and submitted additional testimony in support of his application.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission. It is, however, noted that the

(2).

been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 25, 1896, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 25, 1896, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by

(3).

fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 821) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the secretary of the Interior."

It is, therefore, the opinion of this Commission that Henry Eselle is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Washoe, Indian Territory,

MAY -9 1902

COPY.

Choctaw R 22

Muskogee, Indian Territory, May 9, 1902.

Henry Howell,

Davis, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

I inclosure
Choctaw R 22
Registered

COPY.

Chester B. 55

Muskogee, Indian Territory, May 9, 1902.

Mansfield, McKurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the five civilized tribes in the matter of the application for the enrollment of Henry Esell as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

1 inclosure
Chester B. 55

COPY.

Waskagee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Henry Ewell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Henry Ewell as a citizen of said nation.

Respectfully,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw R 88

Through the Commissioner
of Indian Affairs.

C O P Y

Land.
29, 240-1902.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs,

Washington, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Henry Kzell for enrollment as a citizen of the Choctaw Nation.

The application was rejected by the Commission.

From the record it appears that the applicant has never been recognized or enrolled as a Choctaw citizen and therefore the Commission had no authority to enroll the said applicant.

I respectfully recommend that this decision of the Commission rejecting the application be approved.

Yours respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(E.S.S.) P.

COPY

D.C. No. 10020-1902.

34071

P.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.3508-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the matter of the application for enrollment of Henry Ezelle as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter of June 5, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos Ryan

Acting Secretary.
B.M.D.

1 inclosure.

PY.

Chick

Muskogee, Indian Territory June 23, 1902.

Henry Snell,

Davis, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior under date of June 2, 1902, affirmed the decision of the Commission, dated May 2, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw R 88

Muskogee, Indian Territory, June 23, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Henry Eselle for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED:

T. B. Needles,

Commissioner in Charge.

Choctaw B 20

Waskogee, Indian Territory, June 11, 1902.

Sarah Jane Melle,

Davis, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, relative to the right to enrollment as citizens by blood of the Choctaw Nation of yourself and your minor children.

On June 4, 1902, the Commission wrote you fully in regard to this matter.

Yours truly,

Commissioner in Charge.

Choctaw-R-88

Washkagee, Indian Territory, December 10, 1903.

J. O. Light,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 3, in which you ask if H. A. Kelle is a recognized citizen of the Chickasaw Nation.

In reply to your letter you are informed that it appears from our records that Henry Kelle was an applicant to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and on May 9, 1902, the Commission rendered its decision refusing his application, which decision was affirmed by the Department on June 23, 1902.

Respectfully,

Chairman.

7-K-88

Muskogee, Indian Territory, March 14, 1907.

J. C. Little,

Attorney at Law,

Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 23, 1907, in which you ask relative to the status of the case of Henry Esell and family as citizens of the Choctaw Nation.

In reply to your letter you are advised that on May 9, 1902, the Commission to the Five Civilized Tribes renders a decision denying the application for the enrollment of Henry Esell as a citizen by blood of the Choctaw Nation, and on the same date the record in this case was forwarded to the Secretary of the Interior. June 9, 1902, this action was approved by the Department and this case is therefore considered closed.

Respectfully,

Commissioner.

Department of the Interior

Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2697

[Handwritten signature]
MUSKOGEE, IND. TERR.

Indian Territory.

121



W. 08

COMMISSIONERS

HENRY L. DAWES.
TAMM SIXBY.
THOMAS S. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

HEREIN IN REPLY TO THE FOLLOWING:

Choctaw R-88.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of }
Henry Esell, for the enrollment of }
himself as a citizen by blood of }
the Choctaw Nation. }

To Henry Esell,

Durant, Indian Territory.

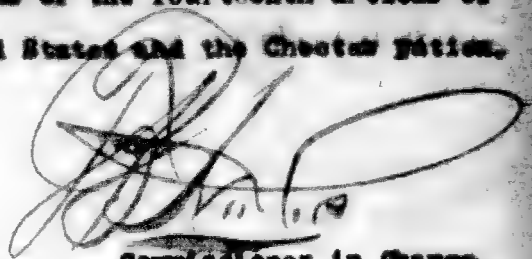
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

H. E., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop and a long horizontal stroke extending to the right.

Commissioner in Charge.

Registers.

USED. MAY -9 1902

DECISION FORWARDED
APPLICANT MAY -9 1902

FORWARDED
CHODTAWAND
MAY -9 1902

FORWARDED DEPARTMENT

MAY -9

APPROVED BY SECRETARY OF INTERIOR, JUN -9

DEPARTMENT
FILED APPLICANT, JUN 23 1902

Choc R90

Serena Falkner

R90

Commission to the Five Civilized Tribes.

Wheeler, T.T., Nov. 14, 1899.

In the application of Sarah Falkner for enrollment as a Choctaw, being sworn and examined by Com'r McKennon she states:

Q What is your name? A Sarah Falkner.

Q How old are you? A Thirty-six.

Q Have ever you been on the Choctaw roll? A No sir.

Q Have your father and mother ever been on the Choctaw roll?

A No sir.

Q When did you come to the Territory? A 2nd day of November 1899.

Q Where from? A Arkansas.

Q Had you ever lived here before? A No sir.

Q How long did you live in Arkansas? A About eighteen years.

Com'r McKennon: Enrollment is refused.

(Com'r McKennon: Apparently white)

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

W. D. H.

C o p y .

In the matter of the Application of W. C. Benson, et al.,
for Citizenship in the Choctaw Nation by blood, as Mississippi
Choctaws.

Affidavit of Jonas Frazier.

Indian Territory,
Central District. ^{ss}

On this the 9th day of July, 1900, personally
appeared before me the undersigned authority, Jonas Frazier, to me
personally well known, who after being duly sworn according to law
states as follows, to-wit:

My name is Jonas Frazier, my post office is Caddo, Ind.
Ter. I am a full blood Choctaw Indian, and am about 90 years. I
have lived in the Choctaw Nation since 1833, before that time I lived
near the Tombigbee River in Mississippi, and was acquainted with
John Benson a white man, whose wife was Rhoda Benson a Choctaw
woman about 1/2 breed I do not remember their children. I have no
interest in an Citizenship case, and the facts set forth by me I
know to be true from my own knowledge.
Witness.

Henry Bengton,
W. Wade.

JONAS F. FRAZIER.

Sworn and subscribed to before me this the 9th day of July, 1900.
Commission expires Sept. 11th, 1901.

CHAS McPHERIN.
Notary Public.

C o p y.

United States of America.

Central District of the

Indian Territory.

Be it remembered that on this the 13 day of July, 1900 personally appeared before me a Notary Public in and for the Central District of the Indian Territory, V. C. Stumphill, who after being duly sworn by me deposes and says; that his age is 60 years old, a resident of the Choctaw Nation Indian Territory, and his post office is Jackson, I. T.

Affiant says that he was born and raised on the line of Alabama and Mississippi, and was as well acquainted in Mississippi as Alabama, and spent part of his boyhood days in Itawamba county, Mississippi, and was well acquainted with William Benson and his family there in Mississippi; and know that William Benson was considered by all the people in general to be Indian.

Affiant says that he knew all the children of William Benson and his wife Nancy Benson, whose names appear to-wit:

J. P. Benson, Ellis Benson, Cyrus Benson, and Lucetta Benefield (nee Benson) Louiza Cooper (nee Benson) and that he also knew William Benson's second wife Susan Benson, and that they had born to them by this marriage the following children to-wit: B. C. Benson, W. C. Benson and D. M. Benson deceased. These person as above named I knew while they were living at their home in Mississippi, and he further states that he has met here all of the above named parties except Louiza Cooper, Mina Benson the wife of Ellis Benson deceased, and Sirena Benson the wife of D. M. Benson deceased, and know them to be the PARTIES THAT LIVED IN THE ABOVE NAMED County and State. Affiant says he has read the affidavits of John Frazier and John Lewis that was given on the 9th day of July, 1900, and knows that William Benson and W. C. Benson therein described in the above affidavit are the same Bensons I knew in Mississippi.

Affiant says that he knows William Benson to be the father of W. C. Benson and his Brothers and Sisters as above named in this Affidavit, and each as above named to be the Persons who appeared before the Daws Commission at Colbert, I. T. on the 20th day of June, 1900, for enrollment as Mississippi Choctaw Indians for themselves and Minor children.

V. C. Stumphill.

Subscribed and sworn to before me this the 13th day of July, 1900.

H. W. Attaway,
Notary Public.

C o p y.

Be it remembered that on this the 13 day of July, 1900 personally appeared before me a Notary Public in and for the Central District of the Indian Territory Annie E. Stanphill who after being duly sworn by me deposes and says that she is 52 years old, and that her post office is Jackson, I. T.

Affiant says that she was partially raised in Nashoba county, Mississippi, and Itawamba county Mississippi and grew up with the following named persons to-wit:

Ellis Benson, deceased, C. H. Benson, deceased, B. C. Benson, W. C. Benson, D. M. Benson, deceased, and Lucetta Benefield nee Benson, Louiza Cooper nee Benson, also Mary Benson the wife of the deceased C. H. Benson, Minar Benson wife of the deceased Ellis Benson, and Sirena Benson, wife of the deceased D. M. Benson, now the wife of Mat Faulkner.

Affiant says that she knows each of the above named persons except the wives of the deceased Bensons as above named to be the children of William Benson and his wife Nancy Benson, except B. C. Benson, W. C. Benson and D. M. Benson, who were the children of William Benson and his second wife Susan Benson. Affiant says that she knew them there and knows them here and knows that they are the same persons that she knew there: she also states that she has heard read the affidavits of John Lewis and Jonas Frazier, which were given on the 9th day of July, 1900, and knows that the W. C. Benson therein named, to be the same W. C. Benson whose name appears in the above affidavit, and knows him to be the brother of each of the above named Bensons. And she fairly believes from what she has heard the people say that knew them in Mississippi, that they are Mississippi Choctaw Indians by blood; and she further states that she knows the above named applicants to be the persons who applied to the Dawes Commission at Colbert, I. T. for enrollment as Mississippi Choctaw Indians on the 20th day of June, 1900, to be from the state of Mississippi.

Witness.

her
ANNIE E. (X) STANPHILL,
mark.

Subscribed and sworn to before me this the 13th day of July, 1900.

H. W. ATTAWAY,
Notary Public.

In the matter of the application of W. C. Benson, et al., vs. Choctaw Nation for citizenship in said Nation, as Mississippi Choctaws.

Affidavit of John Lewis.

Indian Territory,

ss

Central District.

On this 9th day of July, 1900, personally appeared before me, the undersigned authority, John Lewis, to me well and personally known as the person making the following statement, who after being duly sworn according to law deposes and states as follows, to-wit:

My name is John Lewis, my post office is Boggy Depot. I am 76 years of age, I am a full blood Choctaw Indian, and have resided in the Choctaw Nation since 1860, and am recognized and enrolled as a Choctaw Indian. I formerly lived in Mississippi and was acquainted with many of the Choctaws there in and about a place called Goodland, near Tombigbee River. I was acquainted with William Benson who was a one-half blood Choctaw Indian, and his mother Rhoda Benson who was a Choctaw Indian, the maiden name of Rhoda Benson was Rhoda Tollison. I knew these people in Mississippi. I am acquainted with W. C. Benson who is an applicant for citizenship in the Choctaw Nation, but did not know him in Mississippi as I left there while he was very young. I knew these people (William Benson and his mother Rhoda Benson nee Tollison) in Mississippi before 1860 at which time I left Mississippi.

I have no interest in this or any other case for citizenship and the facts herein stated I know to be true from my own knowledge.

Witness. Henry Bengton.
W. Wade,

JOHN LEWIS, his
(X) mark.

Sworn and subscribed to before me this the 9th day of July, 1900.

CHAS McPIETERIN,
Notary Public.

Commission expires Sept. 11th, 1901.

United States of America.

Central District of the

Indian Territory.

Be it remembered that on this, the ____ day of July 1900, personally appeared before me a Notary Public in and for the Central District of the Indian Territory, J. K. Cleavland, who after being duly sworn by me deposes and says, that his age is 45 years old, and his post office is Jackson, I. T.

Affiant says that he lived in Mississippi in the year 1882, in Itawamba county, and his post office was Eastman, Mississippi. And during that time he was well acquainted with W. C. Benson, John P. Benson, and B. C. Benson, who were then living in Itawamba county, Mississippi, and they were considered to be Indians by the people in general. Affiant says that he has met the above named persons since he came to the Territory, and knows them to be the same persons that he knew in Itawamba county, Mississippi in 1882. Affiant further says that he has heard the affidavit of John Lewis read which he gave in the W. C. Benson, et al, case, on the 9th day of July 1900, and knows that the W. C. Benson whose name appears in said affidavit to be the same W. C. Benson that he knew in Mississippi, and knows here, and knows him to be the same person that made application to the Daws Commission for enrollment of himself and minor children, at Colbert, I. T. on the 20th day of June, 1900. Also affiant says he knew John P. Benson and B. C. Benson the brothers of W. C. Benson to be the same persons that he knew in Mississippi, and the persons that made Application to the Daws Commission for enrollment as Mississippi Choctaw Indians, on the 20th day of June, 1900, for enrollment of themselves and minor children.

J. K. Cleavland.

Subscribed and sworn to before me this the 13th day of July, 1900.

A. W. Attaway,

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXIEY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chectaw No. R-90.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of
Serena Falkner, for the enrollment
of herself as a citizen by blood of
the Chectaw Nation.

To Serena Falkner,

McAlester, Indian Territory.

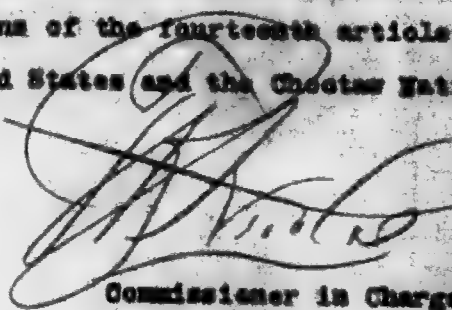
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Chectaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Chectaw Indians
claiming rights in the Chectaw lands under
article fourteen of the treaty between the
United States and the Chectaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

B. F., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

7 R 90.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Serena Falkner as a citizen of the Choctaw Nation.

--- D E C I S I O N . ---

It appears from the records in this case that Serena Falkner appeared before the Commission at McAlester, Indian Territory, on November 14, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls in the possession of the Commission, that the said Serena Falkner has ever been enrolled as a citizen of the Choctaw Nation; nor does her name appear upon any of the tribal rolls of said Choctaw Nation in the possession of the Commission; nor does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the duly constituted authorities thereof.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321); nor does it appear that she has ever been married according to the laws, customs and usages of the Choctaw Nation to a duly recognized or enrolled citizen of said nation.

It also appears from the evidence submitted that said applicant was not a resident in good faith of Indian Territory on June 28, 1898, but that she has resided in the state of Arkansas for about eighteen years immediately preceding her removal to Indian Territory on the 2nd day of November, 1899.

For the purpose of protecting any rights applicant herein might have as a Mississippi Choctaw, under the following provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats. 495), viz:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on February 15, 1902, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed the right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response to said notice has

--2--
been made by or on behalf of the applicant.

It is therefore the opinion of this Commission that the application for the enrollment of Serena Falkner as a citizen of the Choctaw Nation should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

FEB 25 1903

COPY

Chectaw R-90

Muskogee, Indian Territory, February 25, 1905.

Berena Falkner,
McAlester, Indian Territory,
Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfullym

SIGNED: *Tame Bixby*

Chairman.

~~Postage~~
Enc. IBS. 44.

COPY.

Choctaw R-90

Waskagee, Indian Territory, February 25, 1903.

Manfield, McMurray & Cernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Serena Falkner, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) *Tamie Dixby.*

Enc. IB.8 45.

Chairman.

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Serena Falkner for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated February 25, 1903, denying said application.

Respectfully,

WED. *Tamie Bixby.*

Chairman.

Choctaw R-90

Through the

Commissioner of Indian Affairs.

COPY.
DEPARTMENT OF THE INTERIOR
WASHINGTON.

MAF

D. C. 18004
ITD 8198-1903.

27
June, 1903.

J. P.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On February 25, 1903, you transmitted the record in the matter of the application of Serena Falkner for enrollment as a citizen of the Choctaw Nation.

It appears that the applicant has never been admitted to citizenship in the Choctaw Nation, or enrolled as a citizen thereof. The evidence fails to show that she was ever married according to the laws of the Choctaw Nation to a recognized or enrolled citizen of that nation. For eighteen years immediately prior to November, 1899, the applicant resided in the State of Arkansas. It appears that on February 15, 1902, the applicant was notified by registered mail that she would be allowed thirty days within which to set forth that she claimed the right to identification as a Mississippi Choctaw, to which notice no response was made on behalf of the applicant. By its decision of February 25, 1903, the Commission denied said application.

Reporting June 22, the Commissioner of Indian

-2-

Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

E. A. HITCHCOCK,
Secretary.

1 inclosure.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land 13852-1403.

June 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report from the Chairman of the Commission to the Five Civilized Tribes, dated February 25, 1903, forwarding, for the Department's consideration, the record relative to the application of Serena Falkner, for enrollment as a citizen of the Choctaw Nation.

February 25, 1903, the Commission held that the applicant was not entitled to enrollment.

The record in the case does not show that the applicant has ever been enrolled by the tribal authorities, the Commission or the court, nor that she has ever been recognized as a citizen by blood by either of said bodies, nor enrolled in accordance with the provisions of the act of June 10, 1898, neither does it show that she has married a duly recognized and enrolled citizen of the Choctaw Nation in accordance with its laws, usages and customs. She removed to the Indian Territory November 2, 1899. For eighteen years preceding that time she resided in the State of Arkansas.

Not being an enrolled and recognized citizen of the

Choctaw Nation who is not, in accordance with the provisions of the act of May 31, 1900, entitled to enrollment.

February 15, 1902, the Commission notified applicant that she would be allowed thirty days from that date in which to set forth any claim she might have tending to establish her right to identification as a Mississippi Choctaw. It is stated in the Commission's decision that no response has been received to said notice. She claims descent from Rhoda Benson, nee Tollinson. The records of this office do not show that Rhoda Benson, nee Tollinson, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or the acts of March 3, 1837 and August 23, 1842.

In view of the record in the case, and considering that the records of the office do not show that the ancestor from whom the applicant claims descent complied with the treaty or laws above mentioned, the approval of the Commission's decision is recommended.

In connection herewith attention is respectfully invited to Department letter of May 21, 1902 (ITD 2851), relative to the application of John T. Benson, et al., for identification as Mississippi Choctaws, who claimed descent from Rhoda Benson, nee Tollinson.

Very respectfully,

W. A. Jones,
Commissioner.

copy.

Chester-R-90

Muskogee, Indian Territory, July 14, 1903.

Berena Falkner,

McAlester, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of June 27, 1903, affirmed the decision of this Commission, dated February 25, 1903, refusing your application for enrollment as a citizen of the Chectaw Nation.

Respectfully,

I. B. Needles.

(SIGNED.)

Commissioner in Charge.

COPY.

Choctaw - R-20

Muskogee, Indian Territory, July 14, 1903.

Kanefield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 27, 1903, affirmed the decision of this Commission, dated February 25, 1903, refusing the application made by Serena Walker, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

C 78
7 R 60
7 R 90
7R165
7 R 303
7 R 390
7 5264

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
A. J. CROWSON, et al. as citizens of the Choctaw Nation.

D E C I S I O N .

It appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made at Colbert, Indian Territory, October 12, 1898, by A. J. Crowson for the enrollment of himself and Andrew J. Crowson as citizens by blood of the Choctaw Nation; that application was made by A. J. Crowson at Durant, Indian Territory, during the month of August, 1899, for the enrollment of Emma Lee and her minor child, Mary J. Lee, as citizens by blood of the Choctaw Nation; that application was made by Missouri Gorrell, at Durant, Indian Territory, during the month of August, 1899, for the enrollment of herself and her minor children, Addie S. Gorrell and Monroe P. Gorrell as citizens by blood of the Choctaw Nation; that application was made at Durant, Indian Territory, during the month of August 1899, by John A. Crowson for the enrollment of himself as a citizen by blood of the Choctaw Nation; that application was made during the month of August, 1899, at Durant, Indian Territory, by Virginia Thurman for the enrollment of herself as a citizen by blood of the Choctaw Nation; that application was made by A. J. Crowson at Colbert, Indian Territory, on June 14, 1900, for the enrollment of his minor children, Polly Bell Crowson and Reuben A. Crowson as citizens by blood of the Choctaw Nation.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, June 13, 1900, for the identification of Missouri Gorrell and her two minor children, Addie Susan Gorrell and Monroe Price Gorrell, and Delorius Lee and her minor child, Sterling Andrew Lee as Mississippi Choctaws; that on June 14, 1900, application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, for the identification of John E. Crowson as a Mississippi Choctaw; that on June 15, 1900, application was made to the Commission to the Five Civilized Tribes at Colbert, Indian Territory, for the identification of Emma Lee and her minor child, Mary Josephine Lee, Jennie Thurman and her minor child, George Washington Thurman, as Mississippi Choctaws.

It further appears from the records in the possession of the Commissioner to the Five Civilized Tribes that the applicant, A. J. Crowson, made application to the Commission to the Five Civilized Tribes on September 9, 1896, for the admission of himself to citizenship in the Choctaw Nation under the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321) (1896 Choctaw Citizenship case No. 719); that on December 3, 1896, the Commission denied said application; that from this decision the applicant appealed to the United States Court for the Central District of

Indian Territory on behalf of himself, also naming in said appeal the names of his children and grand-children; on August 27, 1897, said Court rendered a judgment wherein it was adjudged "that the said A. J. Crowson is a Choctaw Indian by blood and entitled to enrollment as a member of the Choctaw tribe of Indians and decrees that his name be enrolled by the Commission to the Five Civilized Tribes as a member by blood of the Choctaw tribe of Indians". This judgment was subsequently vacated, set aside and held for naught by the decree of the Choctaw-Chickasaw Citizenship Court on December 17, 1902, in the contest case entitled "Choctaw and Chickasaw Nations or Tribes vs. J. T. Riddle, et al." Subsequent thereto, this cause was certified to the Choctaw-Chickasaw Citizenship Court, created under the Act of Congress approved July 1, 1902 (32 Stat., 641) for a trial de novo and on March 21, 1904, said citizenship court rendered a decree in the case of A. J. Crowson, et al. vs. Choctaw and Chickasaw Nations wherein it was ordered "adjudged and decreed that the petition of the plaintiff, A. J. Crowson, be denied and that he be declared not a citizen of the Choctaw Nation

and not entitled to enrollment as such and not entitled to any rights whatever flowing therefrom, and as to the petitioners, Emma Lee, Missouri Gorrell, John E. Crowson, Jennie Alice Thurman, Deloreus Lee, Polly Belle Crowson, Reuben A. Crowson, Elizabeth Crowson, Andrew Jackson Crowson and Mary Ellen Crowson, the Court having no jurisdiction, their petition is dismissed."

On March 3, 1902, the Commission to the Five Civilized Tribes denied the applications for the identification of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gorrell, Addie Susan Gorrell, Monroe Price Gorrell, John E. Crowson, Delorius Lee and Sterling Andrew Lee as Mississippi Choctaws.

On May 27, 1904, the Commission to the Five Civilized Tribes dismissed the application for the enrollment of Andrew J. Crowson, Jr., Polly Bell Crowson and Reuben A. Crowson as citizens by blood of the Choctaw Nation for the reason that said A. J. Crowson had been denied citizenship by the Choctaw and Chickasaw Citizenship Court.

On February 14, 1906, there was filed with the Commissioner to the Five Civilized Tribes by A. J. Crowson a petition praying for the enrollment of himself, Emma Lee and her children, Mary J. Lee, John Felix Lee, James W. Lee and Sterling Price Lee, Missouri Gorrell and her children, Addie S. Gorrell, Monroe Price Gorrell, Silas F. Gorrell and Mildred J. Gorrell, John A. Crowson, Jennie Thurman and her children, George W. Thurman, Minnie M. Thurman and General J. Thurman, Delores Lee and her children, Sterling A. Lee, Pleasant E. Lee, and Annie May Lee, Pollie Belle Crowson, Ruben A. Crowson, Andrew J. Crowson, Jr. and Mary Ellen Crowson as citizens by blood of the Choctaw Nation.

The petitioners, A. J. Crowson, Andrew J. Crowson, Jr., Pollie Belle Crowson, Ruben A. Crowson, Missouri Gorrell, Addie S. Gorrell, Monroe Price Gorrell, Emma Lee, Mary J. Lee, John A. Crowson and Jennie Thurman are identical with the persons for whose enrollment as citizens by blood of the Choctaw Nation applications were made to the Commission to the Five Civilized Tribes in 1899 and 1900 respectively.

It does not appear that any application was ever made for the enrollment of the petitioners, Delores Lee, Mary Ellen Crowson, John Felix Lee, James W. Lee, Sterling Price Lee, Silas F. Gorrell, Mildred J. Gorrell, George W. Thurman, Minnie M. Thurman, General J. Thurman, Sterling A. Lee, Pleasant E. Lee and Annie May Lee as citizens by blood of the Choctaw Nation prior to December 1, 1905.

It is alleged in the petition filed February 14, 1906,

that the petitioner, A. J. Crowson, possesses one-eighth Choctaw blood, is the son of Ballie Crowson who was the daughter of James Anderson who was the son of David Anderson who was the husband of a full blood Choctaw Indian whose name the petitioner does not now remember, but whose name it is alleged appears upon the first and second enrollment of the Choctaw Indians; that the other petitioners are descendants of said A. J. Crowson. It does not appear from the record herein or from the records in the possession of the Commissioner to the Five Civilized Tribes that any of the petitioners were ever recognized by the tribal authorities of the Choctaw Nation as citizens by blood of said tribe; their names do not appear upon any of the tribal rolls of the Choctaw Nation in the possession of this office.

I am, therefore, of the opinion that inasmuch as it does not appear that the applicant, A. J. Crowson, has at any time possessed such a status as would entitle him to enrollment as a citizen by blood of the Choctaw Nation, the decision of the Choctaw-Chickasaw Citizenship Court of March 21, 1904, denying his application for admission to citizenship in the Choctaw Nation is final and that application for his enrollment as a citizen by blood of the Choctaw Nation and the petition filed February 14, 1906, in so far as same applies to said A. J. Crowson should be denied under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641) and it is so ordered.

I am further of the opinion that the application for the enrollment of Missouri Gorrell, Addie S. Gorrell, Monroe P. Gorrell, Emma Lee, Mary J. Lee, John A. Crowson and Virginia Thurman as citizens by blood of the Choctaw Nation and the petition filed February 14, 1906, in so far as same applies to said applicants should be denied under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641) and it is so ordered.

I am further of the opinion that the petition filed February 14, 1906, in so far as same applies to the petitioners De-lores Lee and Mary Ellen Crowson, for whose enrollment as citizens by blood of the Choctaw Nation no application was made prior to December 1, 1905, should be dismissed, and it is so ordered.

I am further of the opinion that the petition filed February 14, 1906, in so far as same applies to the petitioners, Pollie Belle Crowson, Reuben A. Crowson and Andrew J. Crowson Jr. should be denied under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641) and it is so ordered.

I am further of the opinion that the petition filed February 14, 1906, in so far as same applies to the petitioners, John Felix Lee, James W. Lee, Sterling Price Lee, Silas F. Gorrell, Mildred J. Worrell, George W. Thurman, Minnie M. Thurman, General J. Thurman, Sterling A. Lee, Pleasant B. Lee and Annie May Lee should be considered as an application for the enrollment of said petitioners as citizens by blood of the Choctaw Nation under the provisions of the Act of Congress approved April 26, 1906 (34 Stats. 137); that said application should be denied and it is so ordered.

(Signed) Tams Eixby,

Commissioner.

Muskogee, Indian Territory,

Jan 25 1907.

Department of the Interior

Indian Affairs

Washington, D. C.

February 10, 1904

Postage for printed form, 1904

UNCLASIFIED

Registered No. 1712

2840
1712

Serena

McAdams, Indian Territory.



Address Unknown

REGISTERED
MAR 17 1903
MUSKOGEE, IND. TEL

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. B. BRICKNBRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-023

REFER IN REPLY TO THE FOLLOWING
Choctaw B-90

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 25, 1903.

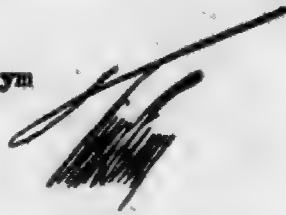
Serena Falkner,
McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

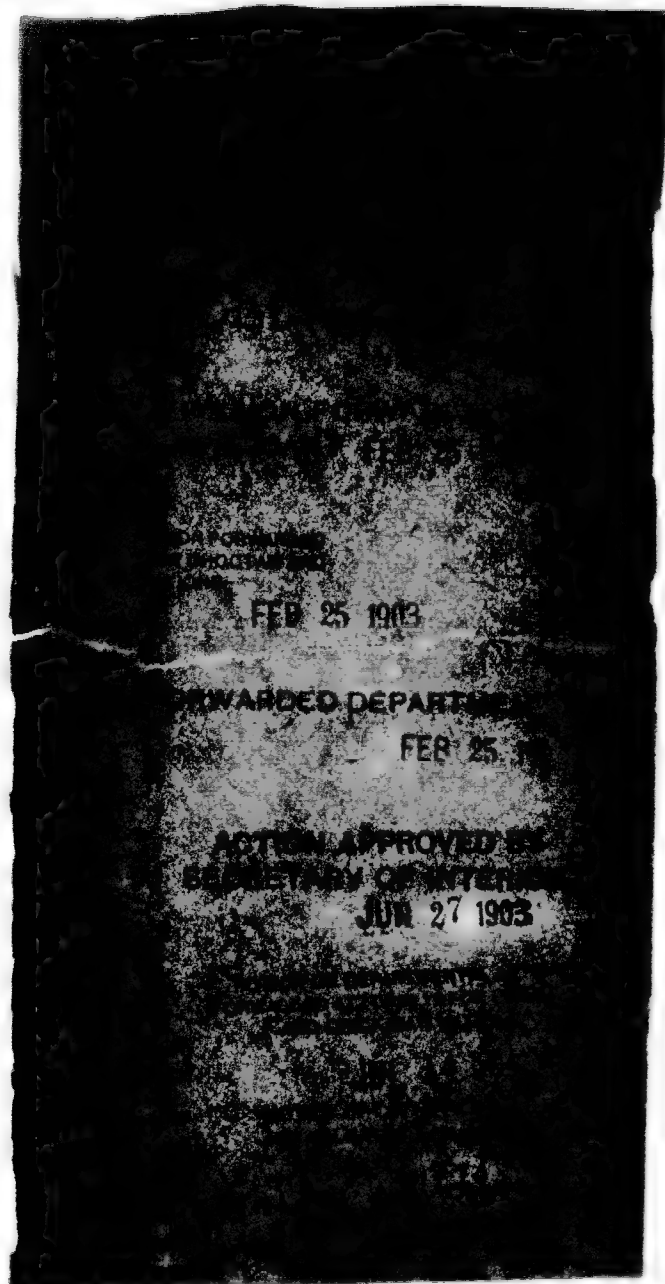
Respectfully



Chairman.

Registered.

Enc. IBS. 44.



FEB 25 1903

FORWARDED DEPARTMENT

FEB 25 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR

JUN 27 1903



R 91

Mariah Fitzpatrick

Record transferred to Chas

Card R 691

CHOCTAW

George Fletcher

R-#92

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 4514.

20

Choc R93

Suzanne J. Forman

R93

Commission to the Five Civilized Tribes,

Now, Indian Territory.

In the enrollment of Susanna J. Farmer as a Choctaw; being sworn and examined by Commissioner McKannon she testifies as follows:

Q What is your name? A Susanna J. Farmer.

Q How old are you? A Forty-four.

Q Your children are: Lizzie J. Farmer, 15 years old; William A. Farmer, 12 years old; Lafayette E., 11 years old; Katie C., 6 years old; Archie L., 4 years old? A Yes sir.

Q Have you and your children ever been upon the Choctaw rolls?

A No sir.

Q Are your father and mother upon the Choctaw rolls? A No sir.

My father and mother is both dead; been dead for several years.

Commissioner McKannon: You not being on the rolls we have no jurisdiction to enroll you; your enrollment will be refused.

END

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that my official note as
stenographer to Commissioner McKannon, that this
transcript is a true, full and correct translation of
my stenographic notes.
M. J. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susanna J. Farmer for the enrollment of herself and her five minor children, Lizzie J. Farmer, William A. Farmer, Lafayette K. Farmer, Katie C. Farmer and Archie L. Farmer as citizens of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that Susanna J. Farmer appeared before the Commission at Durant, Indian Territory, at its session thereat beginning August 14, 1899 and ending August 18, 1899 and then and there made personal application for the enrollment of herself and her five minor children, Lizzie J., William A., Lafayette K., Katie C., and Archie L. Farmer as citizens of the Choctaw Nation.

It appears from the evidence submitted and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicants have never been enrolled

as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that Susanna J. Farmer, the principal applicant herein has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495), section twenty-one thereof, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the principal applicant, was on the 15th day of February, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed for herself and minor children a right to be identified as Mississippi Choctaws. A copy of said notice is attached hereto.

made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It, is therefore, the opinion of this Commission that Susanna J. Farmer, Lizzie J. Farmer, William A. Farmer, LaFayette K. Farmer, Katie C. Farmer and Archie L. Farmer are not lawfully entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, and that the application for their enrollment as such, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAY 19 1902

[Handwritten signature]
Chairman
[Handwritten signature]
Secretary

7 R 23.

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susanna J. Farmer and her minor children, Lizzie J. Farmer, William A. Farmer, LaFayette K. Farmer, Katie G. Farmer and Archie L. Farmer, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, May 19, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Susanna J. Farmer for the enrollment of herself and minor children, Lizzie J. Farmer, William A. Farmer, Lafayette K. Farmer, Katie O. Farmer and Archie L. Farmer, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1908, refusing the application for the enrollment of Susanna J. Farmer and her minor children as citizens of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.

30,960-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON,

June 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Susanna J. Farmer for the enrollment of herself and her five minor children, Lizzie J., William A., La Fayette K., Katie C. and Archie L. Farmer, as Choctaw citizens.

The Commission refused to enroll them.

From the record it appears that none of the applicants were ever enrolled or recognized as citizens of the Choctaw Nation.

It is the opinion of this office that the decision of the Commission refusing to enroll the applicants was correct and I respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(E.S.B.)

COPY.

D.S. 10053-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3768-1902.

WASHINGTON.

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Susanna J. Farmer and her children, Lizzie J., William A., LaFayette K., Katie G., and Archie L. Farmer, as citizens of the Choctaw Nation. You rejected the application because the applicants have never been enrolled or admitted to Choctaw citizenship. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Chester E. 23.

Winkoos, Indian Territory, July 1, 1902.

Wansfield, McHurray & Cornish,

Attorneys for the Cheatew and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application of Susan J. Farmer for the enrollment of herself and her five minor children, Elsie J., William A., Lafayette E., Ratie C. and Archie L. Farmer as Cheatew citizens.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Cherokee 2 13.

Mustoge, Indian Territory, July 1, 1908.

Susarno J. Farmer,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary, of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by you for the enrollment of yourself and your five minor children, Lissie J., William L., LeRoyette K., Katie C. and Archie L. Farmer as Cherokee citizens.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.



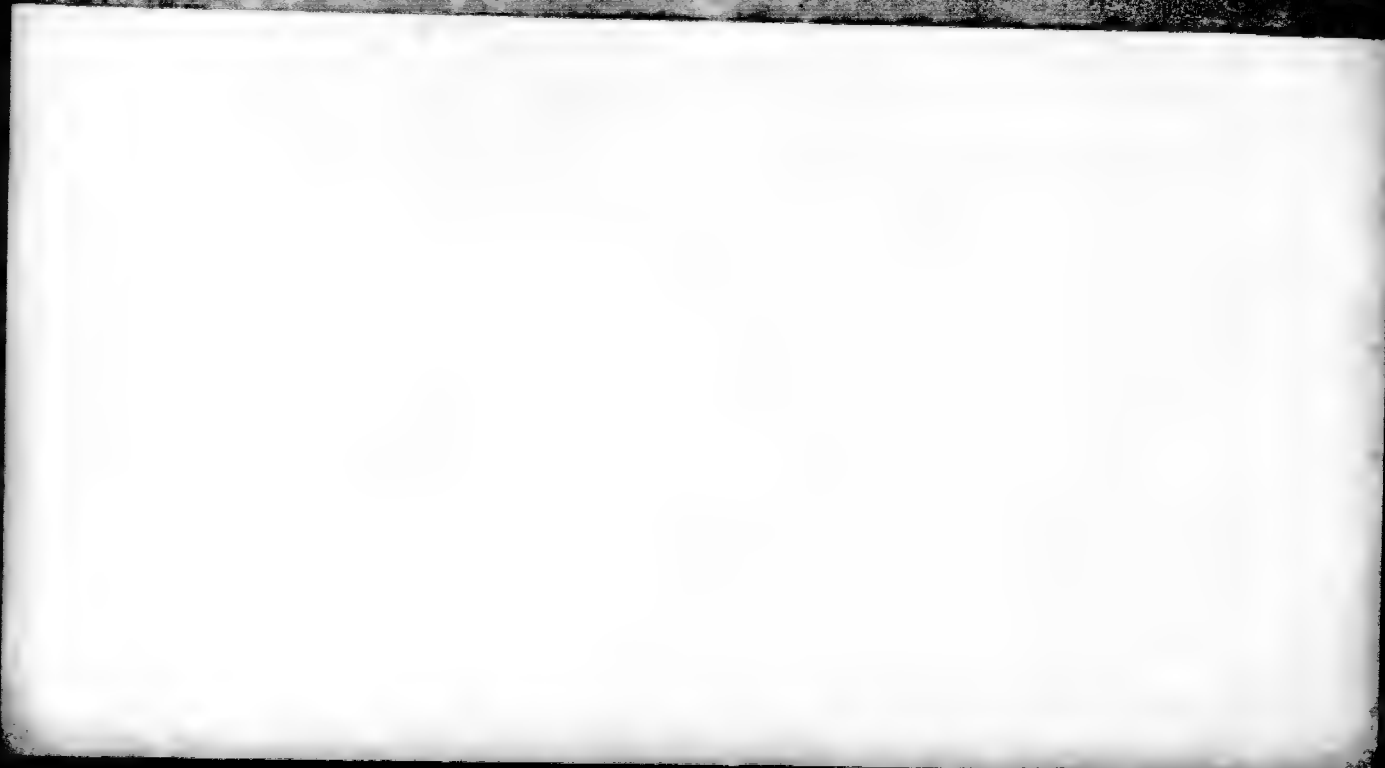
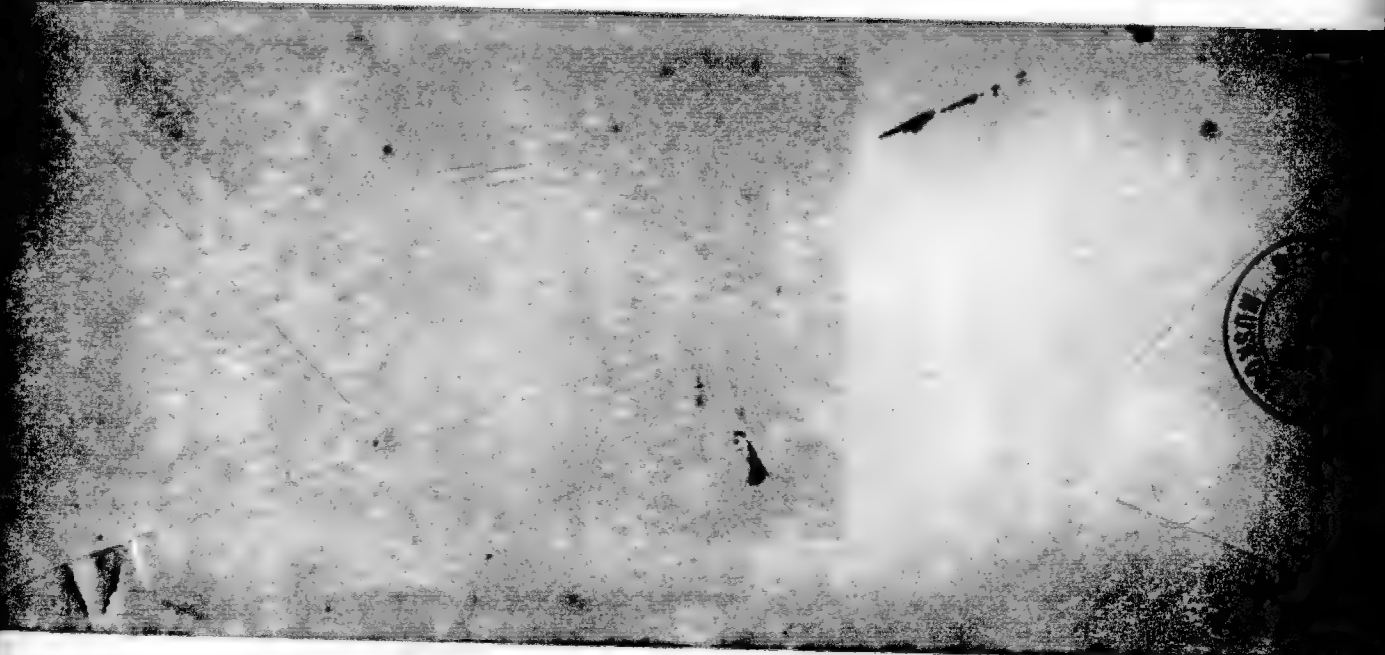
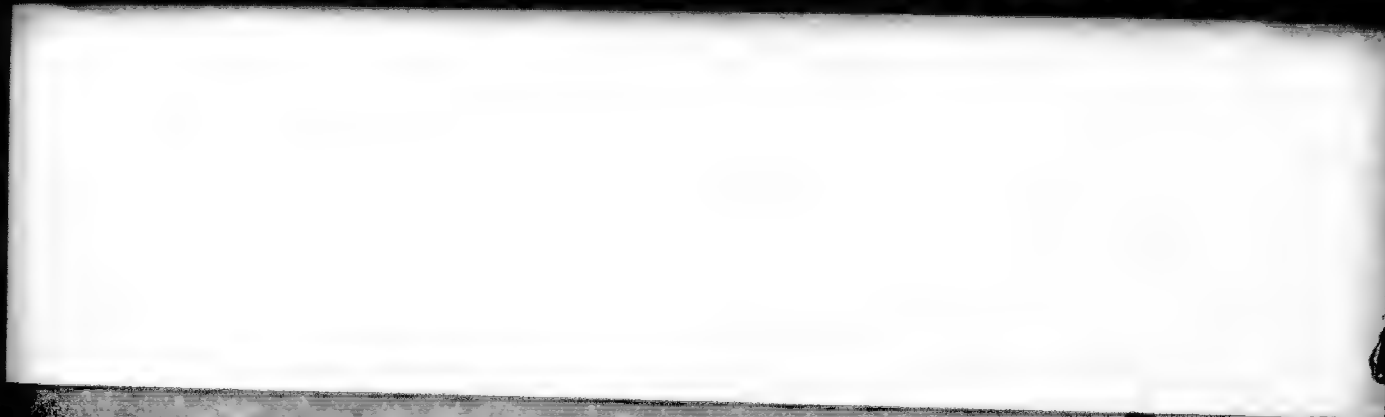
Department of the Interior
Commissioner to the Five Civilized Tribes
MUSKOGEE, OKLA. TERR.
OFFICIAL BUSINESS
Penalty for private use, \$300.

2187

Susanna Farmer,

Durant,

Indian Territory.



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-03
REFER IN REPLY TO THE FOLLOWING

Choctaw R-93

ADDRESS ONLY. NO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of
Susanna A. Farmer for the enrollment
of herself and her minor children,
Lizzie J., William A., Lafayette K.,
Katie C., and Archie L. Farmer, as
citizens by blood of the Choctaw
Nation.

To Susanna A. Farmer,

Durant, Indian Territory.

You are hereby notified that you will be allowed thirty
days from this date in which to submit to this Commission an affi-
davit, corroborated by two witnesses, showing that you and your
children are entitled to be identified as Mississippi Choctaws
under the act of Congress of June 28, 1898, which provides as
follows:

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto, and make report to the Secretary of the
Interior."

Such affidavit must be sworn to by yourself and by the

corroborating witnesses, and must set forth the fact that you and your minor children are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Susanna J. Farmer,
Marant,

I.T.



7805

UNRECORDED

Wm. O. G.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R 93.

Muskogee, Indian Territory, May 19, 1902.

Susanna J. Farmer,
Durant, Indian Territory,

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor children, Lizzie J. Farmer, William A. Farmer, LaFayette K. Farmer, Katie C. Farmer and Archie L. Farmer as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure
Registered.

REFUSED.

MAY 19

OF DECISION FORWARDED
APPLICANT

MAY 19

OF DECISION FORWARDED
FOR CHOCTAW AND
NATIONS

MAY 19

FORWARDED DEPARTMENT

APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

OF DEPARTMENTAL
MAILED APPLICANT.

JUL -1 1902

OF DEPARTMENTAL ACTION
FOR ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

later
Fontaine, Charles E.

R. 94

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 1357

CHOCTAW.

T. 95

William Freeman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 260

R-# 95

CHOCTAW;

R. 96

Susan Freeman

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #155.

CHOCTAW R. 97

Dora Freeny.

GRANTED.

*Transferred to Choctaw
Card No. 5974.*

November 29, 1905

Choc R98 Houston Fuller

R98

Commission to the Five Civilized Tribes,

Oscar, Indian Territory

in the application of Houston Miller for enrollment as a
Choctaw, being sworn and examined by Com'r McKenna he testified:

Q What is your name? A Houston Miller.

Q How old are you? A Forty-nine.

Q Are you on any Choctaw rolls? A Not that I know of.

Q Have you been? A No sir.

Q How your father and mother? A Well I don't know about my
mother.

Q When did your mother die? A She died in 1880.

Q Where? A She died in Texas in 1880.

Q When did your father die? A He died in 1875.

Q Where? A In Texas.

Q You were born and raised in Texas? A Yes sir I was born
in Texas.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes,
Indian Territory, Oklahoma. Official seal of
the Department of the Interior, Commission to the
Five Civilized Tribes, Indian Territory, Oklahoma.
My stamp is in the Indian Territory, Oklahoma.

M. McKenna

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of Houston Fuller
for the enrollment of himself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant, Houston Fuller, appeared before the Commission at Gadsden, Indian Territory, at its session beginning August 21, 1899, and ending August 25, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that the applicant, Houston Fuller, has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled member of the Choctaw tribe of Indians.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495) in a portion of section 21 thereof, provides:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made by said applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats. 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right

thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a citizen of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Houston Fuller is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Waskoges, Indian Territory.

MAY 19 1902

T R 98.

COPY.

Muskogee, Indian Territory, May 19, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Houston Fuller as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

COPY
Muskogee, Indian Territory, May 19, 1902 .

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Houston Fuller for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Houston Fuller as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Land, 30260-1902.

Department of the Interior,
Office of Indian Affairs.

Washington June 13, 1902.

The Honorable,
The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of proceedings in the matter of the application of Houston Fuller for enrollment as a Choctaw citizen. The applicant was refused enrollment by the Commission.

The applicant was never enrolled or recognized as a Choctaw and the Commission, therefore, had no authority to enroll him.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

A.S.S.(E.)

COPY.

D.C.10522-1902.

Department of the Interior.

F.

I.T.D. 3766-1902.

Washington June 19, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted that record in the matter of the application for enrollment of Houston Fuller as a citizen of the Choctaw Nation. You refused his application because he has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

W. O. B.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYRESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R-48.

Muskogee, Indian Territory, July 1, 1902.

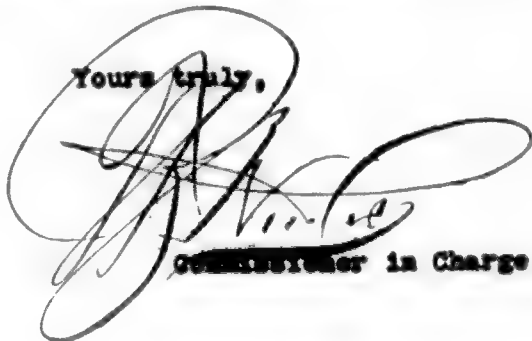
Houston Fuller,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,



Commissioner in Charge.

COPY

Chester B-95.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

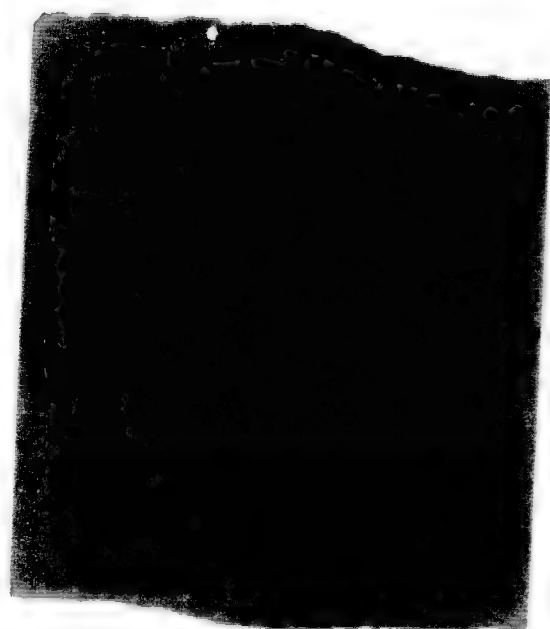
You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Houston Fuller for the enrollment of himself, as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.



Holst
8. Chickasaw -

Await decision
in cases of the father
+ mother -

And let judg-
ment show' 26 years
as to father + mother -
Were either admitted?

C. R. B.

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of the

Nation.

Approved,

190

Commissioner.

REFUSED.
JUN 26 1900

Department of the Interior,

COMMISSION TO THE FREE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the Chickasaw Nation,
 of Frank Hellyford, born on the 18th day of March, 1897.
 (Here insert name of child)
 Name of Father: Joe Hellyford, a citizen of the Chickasaw Nation.
 Name of Mother: Nannie Hellyford, a citizen of the Chickasaw Nation.
 Postoffice, Woodford, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Southern District.

I, Nannie Hellyford, on oath state that I am thirty-four years of age and a citizen, by intermarriage, of the Chickasaw Nation; that I am the lawful wife of Joe Hellyford, who is a citizen, by intermarriage, of the Chickasaw Nation; that a male child was born to me on the 18th day of March, 1897; that said child has been named Frank Hellyford, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1900.

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Southern District.

I, H. B. Miller, physician, on oath state that I attended on Mrs. Nannie Hellyford, wife of Joe Hellyford, on the 18th day of March, 1897; that there was born to her on said date a male child; that said child is now living and is said to have been named Frank Hellyford.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this _____ day of _____, 1900.

IN RE

Application for Enrollment of

INFANT CHILD

as a citizen of the

Nation.

Approved,

190

Commissioner.

REFUSED

JUN 26 1900

REFUSED

JUN 26 1900

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Chickasaw* Nation,
of *Allen Hellyford* born on the *2nd* day of *December*, 1898
(then insert name of child)
Name of Father: *Joe Hellyford*, a citizen of the *Chickasaw* Nation.
Name of Mother: *Nannie Hellyford*, a citizen of the *Chickasaw* Nation.
Postoffice, *Hoodford, Ind. Ter.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Saunder District.

I, *Nannie Hellyford*, on oath state that I am *thirty four*
years of age and a citizen, by *intermarriage*, of the *Chickasaw* Nation;
that I am the lawful wife of *Joe Hellyford*, who is a citizen, by
intermarriage, of the *Chickasaw* Nation; that a *female* child was
(male or female)
born to me on the *2nd* day of *December*, 1898; that said child has been
named *Allen Hellyford*, and is now living.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this

7th day of *May*

190*6*

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.

Saunder District.

I, *Dow Taylor*, a *Physician*, on oath state that I
attended on Mrs. *Nannie Hellyford*, wife of *Joe Hellyford*,
on the *2nd* day of *December*, 1898; that *she* was born to her on
said date a *female* child; that said child is now living and is said to have been
named *Allen Hellyford*.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this

7th day of *May*

190*6*

NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Frank Williford and Aleen Williford as citizens of the Chickasaw Nation.

D E C I S I O N .

On June 26, 1900, Joe Williford made application before the Commission for the enrollment of Frank Williford and Aleen Williford as citizens of the Chickasaw Nation by filing the affidavits of the mother and the physician in attendance at the birth of these children as evidence of their birth.

The said children for whom the applications are filed were born subsequent to the preparation of the last tribal roll of the Chickasaw Nation authorized by law and after the expiration of the time for the reception of original applications for enrollment as citizens of the Chickasaw Nation conferred upon the tribal authorities of the Chickasaw Nation and the Commission to the Five Civilized Tribes, under the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from an examination of the records in the possession of the Commission that Joe Williford, a white man, the father of these applicants, was on September 16, 1888, married to Margaret McGee, a citizen by blood of the Chickasaw Nation, under a Chickasaw license, and that his name appears upon the 1896 Census Roll of the Chickasaw Nation, Pickens county, as an intermarried white man. That Joe Williford lived with his Chickasaw wife up to the time of her death and is now an applicant before this Commission for enrollment as an intermarried citizen of the Chickasaw Nation, and that he is a descendant from the Chickasaw tribe.

these children, was married to H. H. McLane, a citizen by blood of the Chickasaw Nation, first under United States license, and afterward, July 17, 1892, under Chickasaw license; that Nannie McLane continued to live with her Chickasaw husband up to the time of his death. Her name appears upon the 1893 pay roll of the Chickasaw Nation as an intermarried white woman; and she is now an applicant before the Commission for enrollment as an intermarried citizen of the Chickasaw Nation.

On June 21, 1896, the said Joe Williford and the said Nannie McLane were married under Chickasaw law and their marriage was recorded in Pickens county, Chickasaw Nation; and the said Joe and Nannie Williford are the parents of these applicants.

The Act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The Act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Frank Williford and Aleen Williford are not lawfully entitled to be

enrolled as members of the Chickasaw Tribe of Indians in Indian Territory, and that their application as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this _____

Reg $\frac{86}{86}$

Present address
unknown



Houston Fuller,

~~Caddo,~~

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.





FEB 22 1941

COMMISSIONERS
HENRY L DAWES.
TAMM BIRBY.
THOMAS B NEEDLES
C R BRECKINRIDGE

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-98

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application
of Houston Fuller for the enrollment
of himself as a citizen by blood of
the Choctaw Nation.

To Houston Fuller,

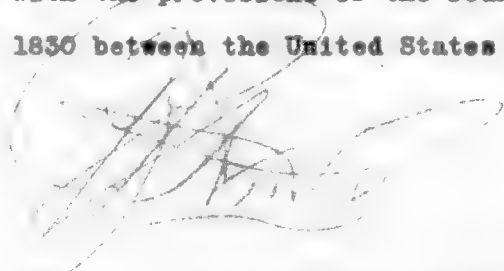
Caddo, Indian Territory.

You are hereby notified that you will be allowed thirty days from this date in which to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the facts that you

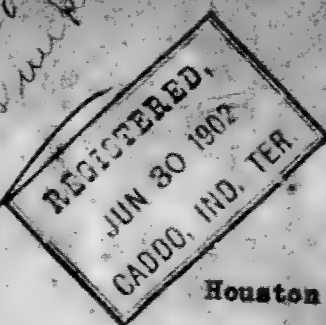
are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Reg 222
227
cannot be delivered
present address unknown



Houston Fuller,

Department of the Interior

Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



MAY 24 1972



COMMISSIONERS:

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 98.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Houston Fuller,

Caddo, Indian Territory,

Dear Sir:

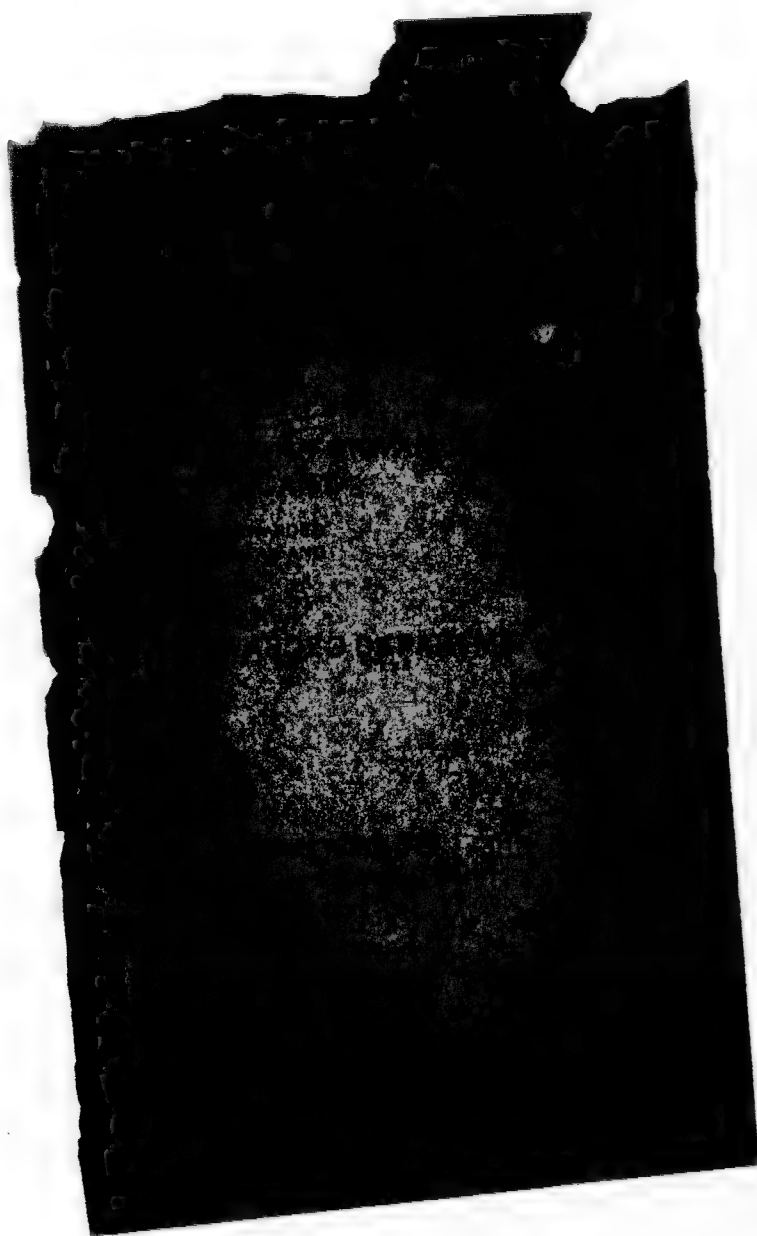
There is herewith inclosed a copy of the decision of the Commission to the five civilized tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.



R. 98

Minouri Lovell, et al

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 223

CHOCTAW.

R. 100

Ada Taylor

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. "98"

Choc R101 Nancy L Gann

R101

Admission to the Five Civilized Tribes.

Marion, Indian Territory.

In the enrollment of Henry E. Gann as a citizen, William T. Gann being sworn and examined by Com'r McKenna states:

Q What is your name? A William T. Gann.

Q How old are you? A Forty-three.

Q You were married to a Cherokee woman were you? A Yes sir.

Q When? A In 1883.

Q You separated from her? A Yes sir.

Q Did you get a divorce or did she? A She got a divorce from me.

Q How long had you lived with her? A About five years.

Q Then afterwards you were married to a white woman? A Yes sir.

Q What was her name? A Minnie Gann.

Q You have a child named Henry E. Gann? A Yes sir.

Q It is a white child? A Yes sir.

Q What is his age? A It was born in 1887.

Com'r McKenna: This child being a white child, born to a white wife, and not being admitted with you, will not be enrolled.

Q You were admitted by the United States to the Five Civilized Tribes? A Yes sir.

Q At about Webster St. Carter, didn't you? A I believe so.

Q In case number 207? A Yes sir.

Q You say you have another child? A Yes sir.

Q What is his name? A Ope Gann. He was born April 4, 1892.

Q It is a white child, wasn't it? A Yes sir.

Com'r McKenna: This child being a white child, born to a white wife, and not being admitted with you, will not be enrolled.

Witnessed and sworn to before me this 1st day of April, 1892, at the County of Cherokee, State of Oklahoma.

7-B-101.
O.L.V.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy L. Gann, et al, as citizens of the Choctaw Nation,

DECISION.

It appears from the census card record in this case that in August, 1896, application was made to the Commission to the Five Civilized Tribes for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation.

The record in this case shows that the applicants herein are the children of Minnie Gann, a non-citizen white woman, and William H. Gann, a white man, whose name (as William Newton Gann) appears as number 1489 upon a list prepared by the Commissioner to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stat., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior August 14, 1902.

I am, therefore, of the opinion that the following ruling of the Department of April 24, 1906, (I.T.D. 4049-1906), in the case of Mary Elizabeth Martin, the application for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 25, 1896 (30 Stat., 498), and it is so ordered.


Commissioner.

Wadagee, Indian Territory,

AUG 4 - 1906

7-R-101

Muskogee, Indian Territory, August 4, 1906.

William Newton Gann,

Ryan, Indian Territory,

COPY.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes rendered August 4, 1906, denying the application for the enrollment of Nancy L. Gann and Obry Gann as citizens of the Cheetaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Registered.

Commissioner.

Incl. 7-R-101.

7-R-101

COPY

Muskogee, Indian Territory, August 4, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered August 4, 1906, denying the application for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Birt*

Commissioner.

Incl. 7-R-101.

Mustkee, Indian Territory, August 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application for the enrollment of Nancy L. Gann and Obry Gann as citizens of the Chectaw Nation, including the decision of the Commissioner to the Five Civilized Tribes dated August 4, 1906, denying said application.

Respectfully,

2 Incl. V-R-101

SIGNED *Tams Birt*
Commissioner.

Through the
Commissioner of Indian Affairs.

COPY.

Muskogee, Indian Territory, August 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I am today forwarding, under separate cover, the records in the following Choctaw enrollment cases:

In the matter of the application for the enrollment of Nancy L. Gann, et al., as citizens of the Choctaw Nation;

In the matter of the application for the enrollment of John H. Cook as a citizen of the Choctaw Nation;

In the matter of the application for the enrollment of Della Carter, et al., as citizens of the Choctaw Nation;

together with my decisions of August 4, 1906, refusing the applicants in the several cases referred to.

These three cases present the question of the right to enrollment of white children of intermarried citizens of the Choctaw and Chickasaw Nations, and the decisions have been prepared in conformity with my present understanding of the rulings and attitude of the Department upon this question.

The case of Nancy L. Gann presents the proposition of an application made for her enrollment and the enrollment of Orby Gann as citizens of the Choctaw Nation, under the Act of Congress approved June 28, 1898 (30 Stats., 495).

The case of John H. Cook presents the question of an

Secretary-----2

application made for the enrollment of a minor child as a citizen of the Chectaw Nation, under the provisions of Section 2 of the Act of Congress approved April 26, 1906 (Public No. 129).

The case of Della Carter, et al. presents the proposition of an application made for the enrollment of a number of applicants under the act of Congress approved June 28, 1898 (30 Stats., 495), and where certain other applicants born subsequent to September 25, 1902, were included in the petition filed with this office under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906.

I have the honor to report that disposition is now being made of all analogous applications in conformity with the three decisions referred to and that I will continue to make a like disposition of said cases, unless otherwise directed by the Department.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner

Through the Commissioner
Of Indian Affairs.

G.R.

W.H.M.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C.11713-1907.
I.T.D. 22858-1906.

February 25, 1907.

LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of November 14, 1906 (Land 67765), and in conformity with the opinion of the Attorney-General of the United States of February 19, 1907, in the case of Cyrus H. Kingsbury, et al., (I.T.D.4564-1905), your decision of August 4, 1906, denying the application for the enrollment of Nancy L. Gann and Orby Gann, minor children of Minnie Gann, a noncitizen white woman, and William N. Gann, a white man, as citizens of the Choctaw Nation, is hereby approved.

You will advise applicants of this action.

The record has this day been returned for the files of the Indian Office, together with a carbon copy hereof. A copy of Indian Office letter is enclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 enclosure, and
2 enclosures to Ind. Of.
with carbon hereof.

APMc
2-26-07.

(COPY)

Refer in reply to the following:

Land.
67765-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment as citizens of the Choctaw Nation of Nannie L. Gann and Orby Gann. Commissioner Bixby finds from the record in the case that the applicants are the children of Minnie Gann, a non-citizen white woman, and William N. Gann, a white man, whose name, as William Newton Gann, appears opposite No. 1489 on a list prepared by the Commissioner under the provisions of an act of Congress approved July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department on August 14, 1905.

Being of opinion that the ruling of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, applies to this case, the Commissioner rejected the application for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation.

Under the decision of the Department to which the

Commissioner refers, and the provisions of the act of Congress approved April 26, 1906 (Section 2), as amended by the act approved June 21, 1906 (34 Stat. L., 335), and its decision of July 10, 1906, thereunder, in the case of William Jesse Bacon, an applicant for enrollment as a citizen of the Chickasaw Nation, it is my opinion that the decision of the Commissioner is correct and I recommend that it be approved.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

EEH-Y.

7-R-101

Muskogee, Indian Territory, April 16, 1907.

William Newton Gann,
Ryan, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered August 4, 1903, denying the application for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation.

Respectfully,

Commissioner,

7-R-101

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 20, 1907,
the Secretary of the Interior affirmed the decision of the
Commissioner to the Five Civilized Tribes, rendered August
4, 1906, denying the application for the enrollment of
Nancy I. Gann and Orby Gann as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

V.H.M.

G.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 11713-1907.
I.T.D. 22888-1906.

February 25, 1907.

LRS

DIRECT

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of November 14, 1906 (Land 67765), and in conformity with the opinion of the Attorney-General of the United States of February 19, 1907, in the case of Cyrus H. Kingsbury, et al., (I.T.D. 4564-1905), your decision of August 4, 1906, denying the application for the enrollment of Nancy L. Gann and Orby Gann, minor children of Minnie Gann, a noncitizen white woman, and William N. Gann, a white man, as citizens of the Cheetaw Nation, is hereby approved.

You will advise applicants of this action.

The record has this day been returned for the files of the Indian Office, together with a carbon copy hereof. A copy of Indian Office letter is enclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 enclosure, and
2 enclosures to Ind. Of.
with carbon hereof.

APMc
2-26-07.

(COPY)

Refer in reply to the following:

Land.
67765-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

November 14, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commissioner to the Five Civilized Tribes in the matter of the application for the enrollment as citizens of the Choctaw Nation of Nannie L. Gann and Orby Gann. Commissioner Bixby finds from the record in the case that the applicants are the children of Minnie Gann, a non-citizen white woman, and William N. Gann, a white man, whose name, as William Newton Gann, appears opposite No. 1489 on a list prepared by the Commissioner under the provisions of an act of Congress approved July 1, 1902 (32 Stat. L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Department on August 14, 1905.

Being of opinion that the ruling of the Department of April 24, 1906 (I.T.D. 4042-1906), in the case of Mary Elizabeth Martin, applies to this case, the Commissioner rejected the application for the enrollment of Nancy L. Gann and Orby Gann as citizens of the Choctaw Nation.

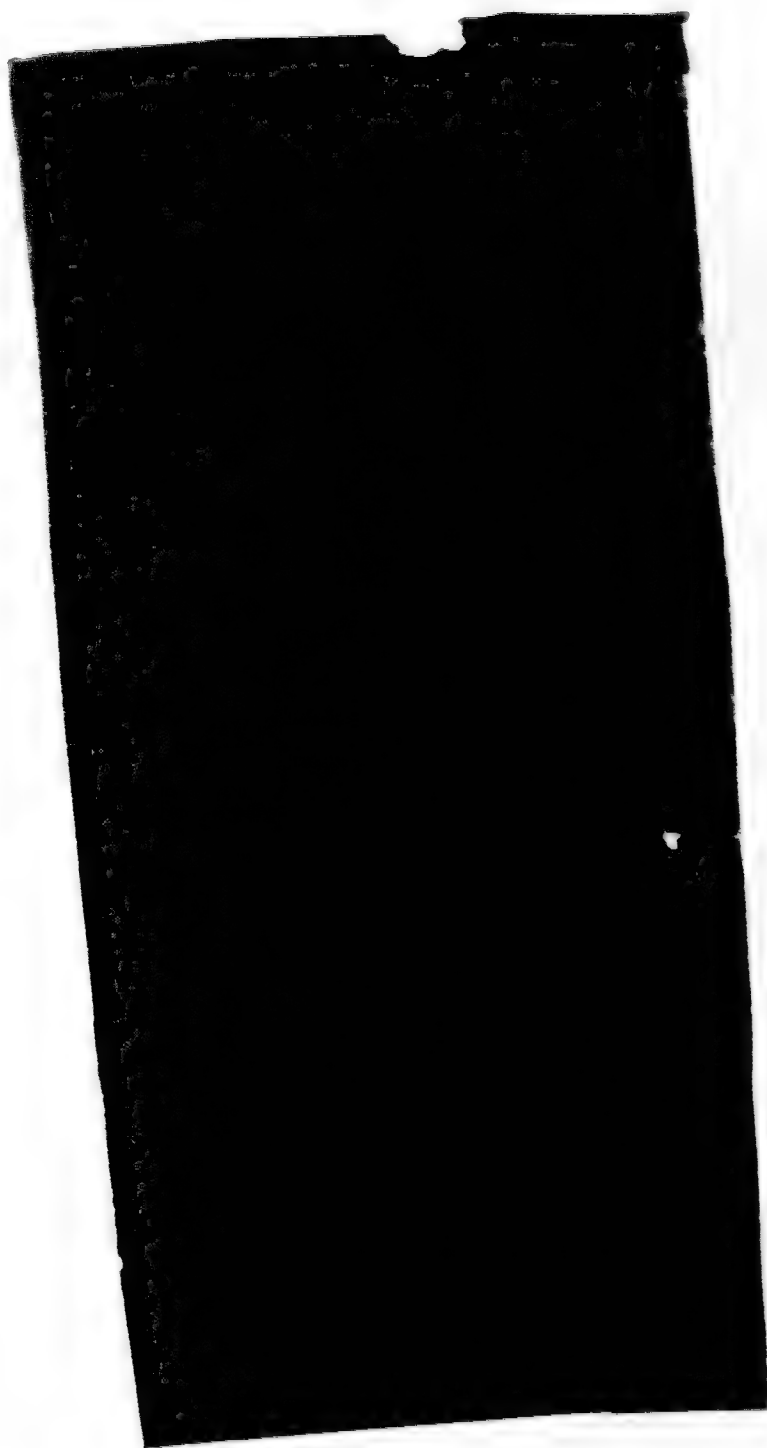
Under the decision of the Department to which the

Commissioner refers, and the provisions of the act of Congress approved April 26, 1906 (Section 2), as amended by the act approved June 21, 1906 (34 Stat. L., 335), and its decision of July 10, 1906, thereunder, in the case of William Jesse Bacon, an applicant for enrollment as a citizen of the Chickasaw Nation, it is my opinion that the decision of the Commissioner is correct and I recommend that it be approved.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

ESH-Y.



CHOCTAW.

R. 102

Samuel & Emily Gibson

Record transferred to Charles
Card # 4775.

Choc R103

Sarah A. Goldston

R103

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Sarah A. Goldston for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Sarah A. Goldston.
Q How old are you? A Thirty-seven.
Q Have you ever been on the Choctaw rolls? A No sir.
Q You claim Choctaw? A Yes sir.
Q Were your father and mother ever on the rolls here in the
Nation? A No sir.
Q Where do you live? A In South McAlester.
Q How long have you been living here? A Going on three years.
Q You came from Arkansas here? A Yes sir.
Q Did you ever live in the Territory before? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

|||||

In the matter of the application of Sarah A. Goldston for the enrollment of herself as a citizen of the Choctaw Nation.

DECISION

It appears from the record in this case that the applicant, Sarah A. Goldston, appeared before the Commission at South McAlester, Indian Territory, during its session thereat beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the

Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that Sarah A. Goldston has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of section 21 of the act of Congress of June 28, 1898, (30 Stats., 495), which provides as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior. 2

the applicant was on February , 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response had been made by the applicant to said notice.

The act of Congress of June 28, 1896, (30 Stats., 493), in a portion of section 21, thereof, provides:

" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawfully rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats. , 221), in a portion of the second paragraph thereof, is as follows:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive consider or make any record of any application of any person for enrollment as a member of any tribes in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Sarah A. Goldston is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Washkago, Indian Territory,

MAY 19 1902

COPY

Muskogee, Indian Territory, May 19, 1902.

Manfield, Murray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Sarah A. Goldston, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James D. Dancy.

1 inclosure.

Acting Chairman.

COPY

Muskogee, Indian Territory, May 19, 1908

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Sarah A. Goldston for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1908, refusing the application for the enrollment of Sarah A. Goldston as a citizen of said nation.

Respectfully,

Tame Dixey.

1 enclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Refer in reply to the
following:
Land. 30,260-1902.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 9, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of Sarah A. Goldsten for enrollment as a Cheetaw.

The commission ruled adversely on her application.

From the record it appears that this application does not claim as a Mississippi Cheetaw and that she has never been enrolled or in any way recognized as a Cheetaw.

It is evident that the commission had no authority to enroll her and I respectfully recommend that the decision of the commission be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(M.B.S.) P.

D.C. 10434-1902.

F.

DEPARTMENT OF THE INTERIOR,

I.T.D. 3000-1902.

WASHINGTON, June, 19, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Sarah A. Goldstein as a citizen of the Choctaw Nation. You refused the application for the reason that applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter of June 9, 1902, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

F.L.C.

1 inclosure.

COPY.

Chester R-103.

Muskogee, Indian Territory, June 30, 1908.

Sarah A. Gelston,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Cheateau Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw 2-103.

Muskogee, Indian Territory, June 30, 1908.

Wansfield, McMurtry & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen

You are hereby that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by Sarah A. Goldston, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

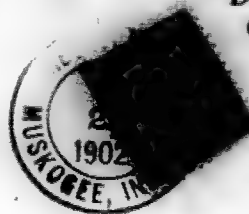
(SIGNED)

I. D. Needles

Commissioner in Charge.

Reg 400

CLAIMED.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2222

Sarah A. Goldston,

South-Mattolester,

Indian Territory.





COMMISSIONERS
HENRY L. DAWES,
TAMS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-103

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application
of Sarah A. Goldston for the
enrollment of herself, as a citizen
by blood of the Choctaw Nation.

To Sarah A. Goldston,

South McAlester, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof in which to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians,

S A G -2-

complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

A handwritten signature, likely of the Commissioner in Charge, is written over the text of the paragraph. The signature is in cursive and appears to be "J. H. R. Smith".

Commissioner in Charge.

Register.

Reg 836

(UNCLAIMED)

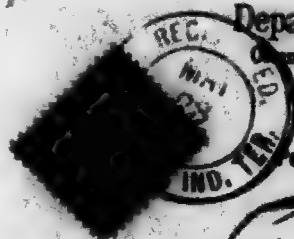
UNCLAIMED



Sarah A. Goldston,

South McAlester,

Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes.

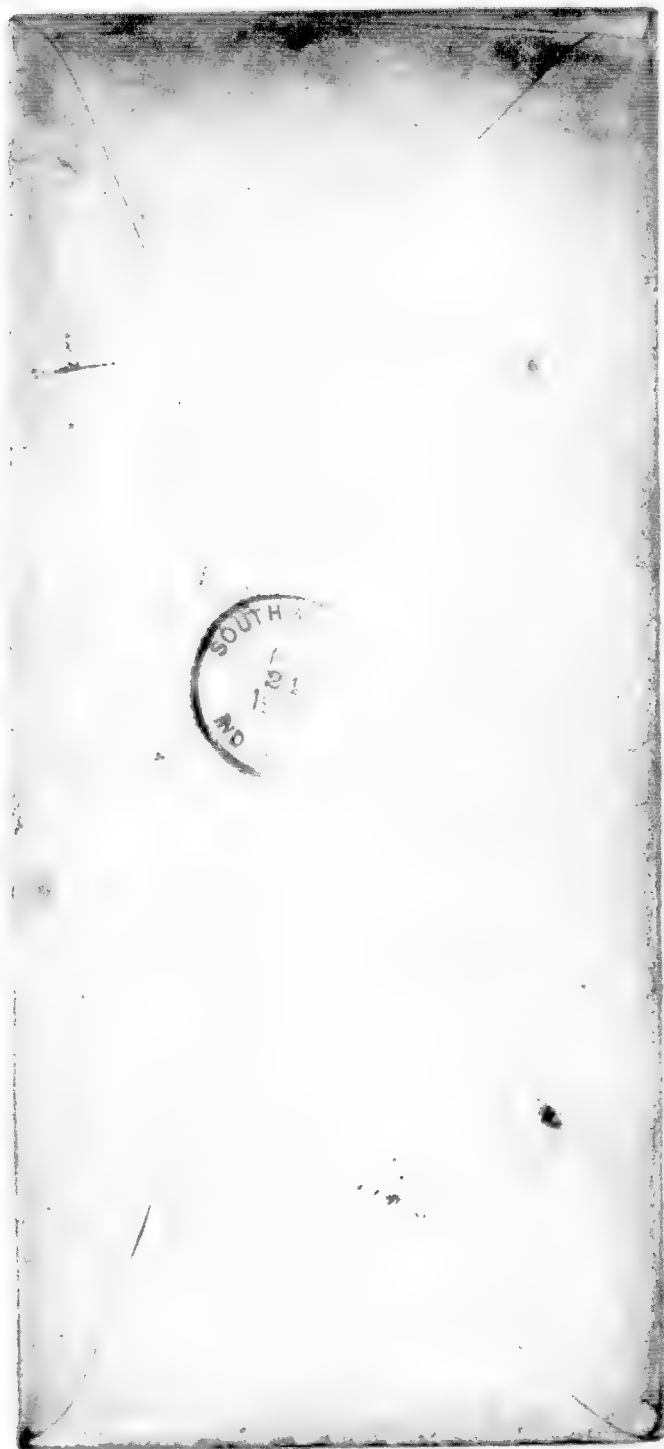
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7840



W. 08

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7 R 103

ADDRESS IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Sarah A. Goldston,
South McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 inclosure.
Registered.

Acting Chairman.

Department of the Interior
Citizen of the Choctaw Nation

REFUSED.

MAY 1902

DECISION FORWARDED
APPLICANT

MAY 1902

FOR CHOCTAW AND CHICKASAW NATIONS

MAY 1902

FOR CHOCTAW AND CHICKASAW NATIONS

MAY 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 30 1902

CHOCTAW

R. 104

Reuben Trings, et al

Duplicate of Reuben Trings
in Choctaw Card # 5165.

CHOCTAW

R. 105

Malinda Graves

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R. *4733.

J. M. Cranberry

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. Q. R. *286.

CIV

R. 107

C. B. Granberry

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 4078

R#107

Choc R108 Lstayette Green

R108

CHOCTAW

In the matter of the application of
Lafayette Green for enrollment as a
citizen of the Choctaw Nation.

REFUSED MAY -9 1902

COPIES OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPIES OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9

APPROVED BY SECRETARY OF INTERIOR JUN -9 1902

COPIES OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Commission to the Five Civilized Tribes.

South McAlester, Ind. Ter.

In the application of LaPayette Green for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A LaPayette Green.
- Q How old are you? A Forty-three.
- Q Are you on the Choctaw rolls? A No sir.
- Q Have you ever been? A No sir.
- Q Have your father and mother ever been on the Choctaw rolls?
- A No sir.
- Q Where do you live? A In the Territory.
- Q When did you come here? A Fifteen years ago.
- Q Were you born and raised in Texas? A Yes sir up to that time.
- Q You have never been recognized here as a citizen? A No sir.

Com'r McKennon: Enrollment is refused.

(Com'r McK: Apparently white.)

LaPayette Green, re-called, states:

- Q Did you make application to the Dawes Commission in 1896?
- A No sir, I didn't, but I think there was some of the connection that did.
- Q For you? A I don't know whether our name was included or not.
- Q Didn't you never know that you were refused? A No sir.
- Q You don't know anything about that? A No sir.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
agent of the above named Commission, that this
report is a true, full and correct translation of
my stenographic notes.

McKennon

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

In the matter of the application of LaFayette Green for the enrollment of himself as a citizen of the Choctaw Nation.

---- D E C I S I O N ----

The record in this case shows that the applicant, LaFayette Green, appeared before the Commission, at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of that Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 321), provides:

-3-

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Lafayette Green is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


General Secretary.


Commissioner.

Muskogee, Indian Territory.

MAY -9 1902

COPY.

Choctaw R-108.

Muskogee, Indian Territory, May 9, 1902.

Manfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of La Fayette Green as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

1 enclosure.
Choctaw R-108.

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application made by La Fayette Green for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of La Fayette Green as a citizen of said nation.

Respectfully,

(Signed) *I. B. Needles.*

Commissioner in Charge.

1 enclosure.
Choctaw H-100.

Through the Commissioner
of Indian Affairs.

Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, May 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, memorandum of the Commission to the Five Civilized Tribes, in the matter of the application of La Fayette Green for enrollment as a Choctaw citizen.

The application was rejected by the Commission.

From the evidence and record it appears that this applicant has never been admitted, enrolled or recognized as a Choctaw citizen, and therefore the Commission has no authority to enroll said applicant under the provisions of the Act of Congress approved May 31, 1900.

I respectfully recommend that the decision of the Commission refusing the enrollment of La Fayette Green be approved.

Very respectfully,
Your obedient servant,

(E.S.S.)P.

A.C. Tonner,
Acting Commissioner

D. C. No. 10021

34075

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 3383-1902.
L.R.S.

June 9, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:-

May 9, 1902, you transmitted the record in the matter of the application for enrollment of LaFayette Green as a citizen of the Choctaw Nation. You rejected the application because the applicant has never been duly enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

1 inclosure.

Thos. Ryan.
Acting Secretary.
E.M.D.

COPY.

Choctaw R 108

Waskagee, Indian Territory, June 23, 1902.

La Fayette Green,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles,

Commissioner in Charge.

COPY.

CHOCTAW:

W.C.R. 108.

Muskogee, Indian Territory June 23, 1902.

Mansfield, McMurray & Cornish,

Attorneys, for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 2, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by La Fayette Green for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED:

T. B. Needles.

Commissioner in Charge.

Reg 396

UNCLAIMED.



Lafayette Green,

South-McAlester,

Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2223



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS S. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw No. X-128.

ADDRESS: NEW YORK
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
Lafayette Green, for the enrollment
of himself as a citizen by blood of
the Choctaw Nation.

To Lafayette Green,

South McAlester, Indian Territory.

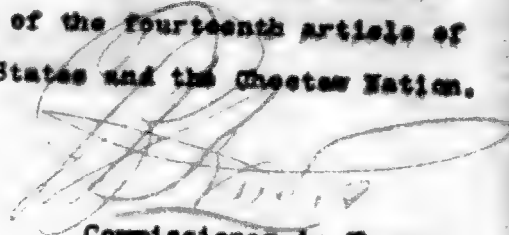
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

L. G., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



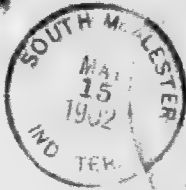
7481

Reg 749

UNCLAIMED.

La Fayette Green,

South McAlester, Indian Territory.



COMMISSIONERS
HARRY L. DAVIS,
TAMM BIRBY,
THOMAS H. NEEDLES,
C. E. BUCKENRIDGE.

ALLISON L. AYLERWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W-013
REFER IN REPLY TO THE FOLLOWING

Chectaw R-108.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.


La Fayette Green,
South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chectaw Nation.

The Decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.
Chectaw R-108
Registered.

Muskogee, Indian Territory, July 22, 1903.

Lucretia E. Rayburn,
Allen, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of
Annie Crosby saying that you are a Chickasaw Indian by blood, and
the same has been duly filed with the records of the Commission in
the matter of your application for enrollment as a citizen by blood
of the Chickasaw Nation.

Respectfully,

Commissioner in Charge.

Choc R109 Lamar Green

R109

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the enrollment of Lamar Green as a Choctaw; being sworn
and examined by Com'r McKennon he testifies:

Q What is your name? A Lamar Green.

Q How old are you? A Forty-two.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Have your father and mother ever been on the rolls?

A Not that I know of.

Q Where have you been living? A In the Territory.

Q How long? A I believe I came in 1882.

Q Where from? A Texas.

Q Were you born and raised there? A Yes sir.

Q Have you been here all this time? A Yes sir.

Q Did you make application to the Dawes Commission in 1896?

A No sir, not that I know of. The family might have done
it; I don't know whether they ever went before the Dawes Commission
or not.

Q Don't you know whether or not the family in 1896 made appli-
cation to the Dawes Commission while it was at Vinita in the
Cherokee Nation? A If they did I don't know anything of it.
I don't think they did.

(Com'r McKennon: "Apparently white.")

Enrollment is refused.
-- --

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

In the matter of the application of Lamar Green for the enrollment of himself as a citizen of the Choctaw Nation.

--- D E C I S I O N ---

The record in this case shows that the applicant, Lamar Green, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes.

that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of that Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stat., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stat., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were


made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

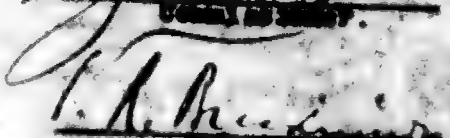
The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Lamar Green is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



CHAIRMAN.


SECRETARY.

Waskage, Indian Territory.

MAY -9 1902

COPY.

Chestaw H-100

Washoe, Indian Territory, May 9, 1908.

Manfield, McHurray & Gernish,
Attorneys for the Chestaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lamar Green as a citizen of the Chestaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 inclosure.
Chestaw H-100

COPY

Chectaw R-109

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Lamar Green for the enrollment of himself as a citizen of the Chectaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Lamar Green as a citizen of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

1 inclosure
Chectaw R-109

Through the Commissioner
of Indian Affairs.

COPY.

Land
29, 240-1902.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs.

Washington, May 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, memorandum of the Commission to the Five Civilized Tribes, in the matter of the application of Lamar Green for enrollment as a citizen of the Choctaw Nation. The application was refused by the Commission.

From the record it appears that the applicant has never been recognized, admitted or enrolled as a Choctaw citizen, and therefore, the Commission held that it had no authority to enroll said applicant.

This applicant does not make any claim as a Mississippi Choctaw.

It is the opinion of this office that the holding of the Commission was correct and in accordance with the provisions of the Act of Congress approved May 31, 1900.

I respectfully recommend that the decision of the Commission

-2-

refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A.C. Tanner,
Acting Commissioner.

(E.E.S.)

F.

10023-1902.

COPY.

34082

DEPARTMENT OF THE INTERIOR . F.

IIT.D.3381-1902. Washington.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in the application for enrollment of Lamar Green as a citizen of the Choctaw Nation. You rejected the application because he has never been enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

1 enclosure.

Thos Ryan

Acting Secretary.

E.M.D.

R.F.D.

WILLIAM GEORGE P. S.

THOMAS BAYN

I enclose.

Respectfully,

The Department attains our decision.

Recommendation approval of your decision is enclosed.

COPY.

CHOCTAW
M. R. 10

Muskogee, Indian Territory June 23, 1902.

Lamar Green,

South McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge

COPY.

CHOCTAW
M.R. 100.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McKurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Lamar Green for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Reg 397

UNCLAIMED.



Department of the Interior

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lamar Green,

South McAlester,

Indian Territory.



2224



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. **Cheetaw No. B-109.**

40-109B
REFER IN REPLY TO THE FOLLOWING

LETTERS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1908.

In the matter of the application of }
Lamar Green, for the enrollment of }
himself as a citizen by blood of }
the Cheetaw Nation.

To Lamar Green,

South McAlester, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Cheetaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Cheetaw Indians
claiming rights in the Cheetaw lands under
article fourteen of the treaty between the
United States and the Cheetaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

L. G., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw nation.



Commissioner in Charge.

register.

Reg 79

UNCLAIMED.

Lamar Green,
South McAlester,
Indian Territory.



Department of the Interior.

Commission to the Five Civilized Tribes.

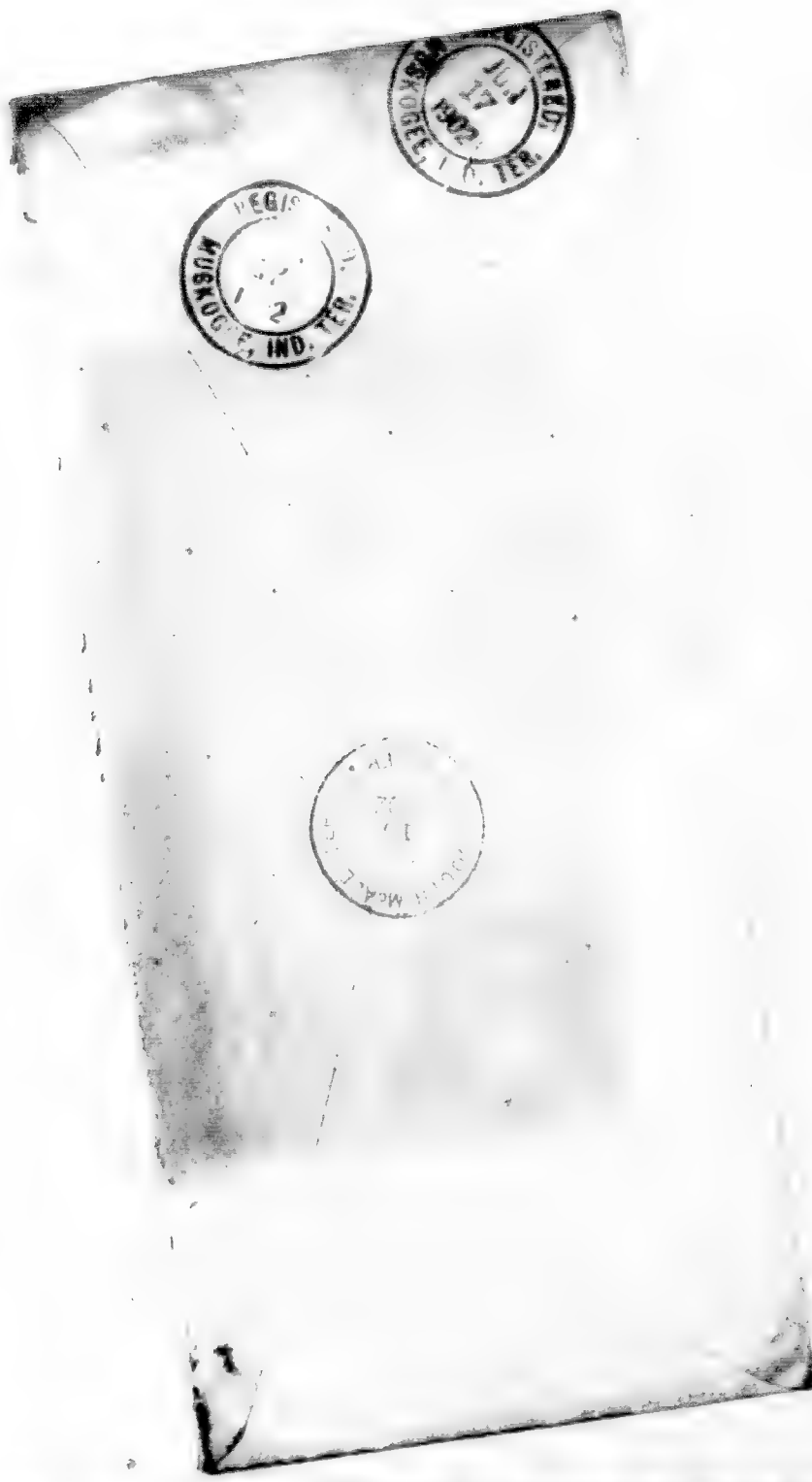
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7432



JUL 17 1902
U.S. DEPT. OF AGR.

MUSKOGEE, IND. TER.
1 2

MUSKOGEE, IND. TER.
1 2

W. C. B.

COMMISSIONERS

HENRY L. DAWES.
TAMM BIXBY
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-109

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

Lamar Green,

South McAlester, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 inclosure
Choctaw R-109
Registered.

7-R-109

Muskogee, Indian Territory, January 29, 1906.

William C. Mitchell,

Payne, Indian Territory.

Dear Sir:

Your letter of January 1, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to the action of the Citizenship Court in denying your citizenship in the Choctaw Nation; that you offered to prove that you are on the tribal rolls but your witnesses were never put on the stand.

In reply to your letter you are advised that it appears from the records of this office that you were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court, March 28, 1904, but if it is now alleged that you are entitled to enrollment under the ruling of the Department in the Choctaw enrollment case of Loula West et al, there is inclosed herewith for your information circular giving procedure to be followed in the presentation of cases of this character.

Respectfully,

L. W.

Acting Commissioner.

Copy.

J. P

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

I.T.D. 7529-1902.
11711-1905.
4783-1906.

May 5, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered a motion to reopen the Chickasaw enrollment case of Sylvester D. Gaines, et al, received May 2, 1906, from Sylvester D. Gaines, Ryan, Indian Territory.

This case was the subject of departmental letter of December 21, 1905, in which a petition for the enrollment of the claimants was denied. Reference in the decision was made to the act of May 4, 1900 (31 Stat., 221), which provides that the Commission to the Five Civilized Tribes should not "receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such."

In the petition now presented, it is not claimed that any of the applicants have been enrolled or formally admitted to citizenship by any decision or any act of council; it is merely claimed that under the laws and customs of the nation; they, by virtue of Chickasaw blood and of their long residence in the nation, are entitled to enrollment.

In view of the provisions of said act of May 31, 1900, referred to, and as the act of April 26, 1906 (Public No. 129), provides, in section 1,

"That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law." the petition is denied. You will so advise the party presenting it.

Respectfully,

Thos Ryan

First Assistant Secretary.

South McAlester, I.T. 6-14-06.

To the Honorable President, of the United States.,

In the matter of the application of S. D. Gains, to the Commission to the Five Civilized Tribes, for identification and enrollment, as Chickasaw Indians, of the Indian Territory.

Applicant is a Chickasaw Indian, born in the Chickasaw Nation, Mississippi, and from there moved to the Chickasaw Nation, Indian Territory, some seventeen years ago, has ever enjoyed the rights of citizenship, in the Chickasaw Nation, his rights are undisputed, his Indian blood is acknowledged, and he has been permitted, to enjoy all the rights of all the Chickasaw Indians, until denied by the Interior Department, of his rights in said Nation.

I have been subject to the laws, ~~and~~ usages, and customs, of the Chickasaw and Choctaw people, all my natural life. I have never enjoyed political rights, in any country, other than as an Indian, in the Indian Country. I was born in allegiance of my parents and grandparents, who were recognized Indians, I have ever lived in allegiance to my Tribe, I am the father of four children, all four born and raised up to this good time, in the Chickasaw Nation, Indian Territory.

The Dawes Commission seeks to deprive me of my rights, because of the limitation placed in the Act of 1896. Under the rulings of the Attorney General, in several cases, lately rendered by him, I should be enrolled, upon the proof of blood and residence, but the Department, though the Secretary of the Interior has approved these rulings, refuses because of the applications being after said time. Notwithstanding, the Tribes themselves, send over the Country and picks up those, that have been left off, and the Dawes Commission enrolls them, law or no law,

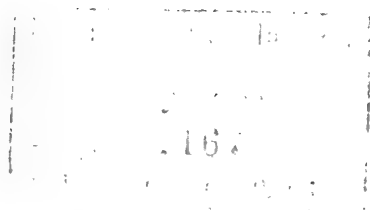
yet it is right, that they should enroll them. They decline to send our petition to the Attorney General. This is all we ask, we know from past experience, that the Attorney General is an Honest and Upright man, and we are perfectly willing to risk our interest in his hands.

We pray you, for an order to the Secretary of the Interior, to transmit the record in the case of Sylvester D. Gaines to the Attorney General, for his decision, as to his rights to enrollment, and we will ever pray, etc.,

With Respects,

Yours,

S. D. Gaines



164

J.W.H.

LIB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. T. D. 7167-1906.

August 22, 1906.

D. C. 36557-1906.

L.R.S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

By proper reference, the Department is in receipt of a letter from S. D. Gaines, addressed to the President, dated at South McAlester, Ind. T., June 14, 1906. This letter is regarded as a motion for a review of the action of the Department in the Chickasaw enrollment case of Sylvester D. Gaines (Chickasaw R. 109).

Mr. Gaines alleges that by reason of Chickasaw blood and long residence in the Chickasaw Nation, he is entitled to be enrolled as a citizen thereof.

It is desired that you return this motion to him and advise him that it lacks evidence of service upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw nations, South McAlester, Ind. T.; also that he should set forth more specifically the law or laws under which he claims enrollment and that he may resubmit said petition, reformed as suggested herein. Action is unnecessary concerning his prayer that the case be referred "to the Attorney-General".

-2-

It is further requested that you furnish Mr. Gaines with a copy of the act of April 26, 1906 (Public No. 129), and copies of departmental letters of December 21, 1905 (I. T. D. 7529-1902, 11711-1905), and May 5, 1906, (I. T. D. 7529-1902, etc.). It is noted that the latter decision contains a clerical error, for the act of May 31, 1900 is referred to therein as the act of May 4, 1900. In furnishing Mr. Gaines the copy herein called for, this error should be corrected.

Respectfully,

Jesse E. Wilson

Assistant Secretary

Through the Commissioner
of Indian Affairs.

1 inclosure.

PLEASE REPLY TO THE FOLLOWING:

7-B-109

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, September 4, 1906.

Sylvester D. Gaines,
South McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that on August 22, 1906, the Secretary of the Interior returned, for correction, a letter addressed by you to the President, under date of June 14, 1906, which letter is regarded as a motion for a review of the action of the Department in the Chickasaw enrollment case of Sylvester D. Gaines et al.

This office is directed to return this motion to you and advise you that it lacks evidence of service upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory; also that you should set forth more specifically the law or laws under which you claim enrollment and that you may resubmit said petition, reformed as suggested therein. This office is also directed to forward you a copy of the Act of Congress approved April 26, 1906 (Public No. 129), and copies of Departmental letters of December 21, 1905 and May 5, 1906, in your case.

For your information there is enclosed you herewith copy of the Act of Congress approved April 26, 1906 (Public No. 129),

S. D. G. - - (2)

copies of Departmental letters of August 22, 1906, December 21,
1906 and May 8, 1906.

Respectfully,

W. O. Beall

Acting Commissioner.

WLM.
Encl. 4/1

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.7529-1902.
11711-1908.

December 21, 1908.

L. R. S.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of a petition filed by attorney on behalf of the applicants in the Chickasaw enrollment case, entitled Sylvester D. Gaines (Chickasaw R.109) et al., praying that the Secretary of the Interior reconsider his decision in said case, which was dated January 17, 1903, and adverse to the applicants, and cause the same to be revoked and that orders be issued protecting the interests of the applicants in their improved property, and afford them such other and further relief as may be deemed just and proper, and that to this end the supervisory authority of the Secretary of the Interior be exercised.

It is alleged in this petition that the principal applicant, through whom the others claim, was born in the old Chickasaw Nation, Mississippi; that he is of Chickasaw descent; that he removed to the Chickasaw Nation, Indian Territory, in 1886, and there without molestation by the Chickasaw authorities, established a home and improved land, and that he has resided thereon in said nation since. Furthermore, that the improved lands

claimed by him have been filed upon by others, with result that unless relief is afforded he will lose his improvements, and such loss will beggar him and his children.

It is conceded in said petition that the principal applicant has never been enrolled or admitted to Chickasaw citizenship, and that he did not present an application for enrollment under the act of June 10, 1896 (29 Stat., 321).

It is further claimed that he made application to the Commission to the Five Civilized Tribes in the year 1899, at McAlester, Ind.T. Further, that in July, 1900, he again appeared before the Dawes Commission, at Colbert, Ind.T., where a record was made in his case.

After making the allegations noted above, the attorney for petitioner states that this petition, as he believes, presents for consideration one question, and only one, namely, whether or not an unenrolled Chickasaw Indian whose blood is clearly shown and undenied will lose his rights to enrollment by his failure, through ignorance or otherwise, to apply to the Dawes Commission within the three months after June 10, 1896.

Under the law as construed and applied by the Department, there is not, under the foregoing statement of facts, any authority for the enrollment of these applicants as citizens of the Chickasaw Nation.

In view of the approved opinion of the Assistant Attorney-

(3)

General of March 17, 1899, the Act of May 31, 1900 (31 Stat., 221), and section 27 of the act of July 1, 1902 (32 Stat., 641), it is manifest that the Department is without authority to afford these applicants the relief which they seek. Said petition is accordingly denied. You are requested to advise the parties in interest hereof.

The address of the attorney by whom the petition was filed, namely, Chester Howe, is Loan and Trust Building, Washington, D. C.

Respectfully,

(Signed)

Thos. Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

the matter of the
War Grant for support
of the Cherokee Nation

RECEIVED. MAY -9 1902

DECISION FORWARDED
APPLICANT MAY -9 1902

FORWARDED
HASTAW AND
MAY -9 1902

FORWARDED DEPARTMENT

UNITED STATES SECRETARY OF INTERIOR

Choc R110 Marion Green

R110

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Marion Green for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

- Q What is your name? A Marion Green.
- Q How old are you? A Thirty-seven.
- Q Are you on the Choctaw rolls? A Not that I know of.
- Q Have you ever been? A No sir.
- Q Have your father and mother ever been on the Choctaw rolls?
A No sir.
- Q Where have you been living? A I was born in Texas; been living in the Chickasaw Nation the principal part of the time for the last sixteen years.
- Q When did you last come to the Chickasaw Nation? A Ten days ago. I was living in Oklahoma; I went there and staid two years.
- Q You have been living in Oklahoma two years, and returned here about ^{ten} days ago; did you move into the Chickasaw Nation ten days ago from Oklahoma? A Yes sir.
- Q Did you make application to the Dawes Commission in 1896?
A No sir.
- Q Did anybody make application for you? A Not that I know of.
- Q You never heard of any application being made there for you?
A No sir.
- Q Com'r Needles: Did you take up a homestead in Oklahoma?
A No sir.

Com'r McKennon: Enrollment is refused.
(Apparently white.)

Department of the Interior,

Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
superintendent to observe and certify, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. [Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----000-----

In the matter of the application of Marion Green for the enrollment of himself as a citizen of the Choctaw nation.

D E C I S I O N.

The record in this case shows that the applicant, Marion Green, appeared before the Commission, at South McAlester, Indian Territory, at its session, beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

(2).

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of said Nation.

The applicant had not, prior to June 28, 1898, removed to and in good faith settled in Indian Territory. The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

(3).

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Marion Green is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

C. A. Beccin
Commissioner.

Muskogee, Indian Territory,

MAY 13 1902

COPY

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Marion Green as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 inclosure.

Acting Chairman.

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Marion Green for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Marion Green as a citizen of said nation.

Respectfully,

1 inclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,860-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 9, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Marion Green for enrollment as a Choctaw.

The Commission ruled adversely on said application.

From the record it appears that the applicant does not claim as a Mississippi Choctaw and that she has never been enrolled or admitted as a Choctaw citizen.

Under the existing law the Commission had no authority to enroll said applicant and I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A.C. Tenner,

Acting Commissioner.

(E.S.S.)

P.

COPY.

D.C. 10640-1908.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3599-1908.

WASHINGTON.

June 19, 1908.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1908, you transmitted the record in matter of the application for enrollment of Marion Green as a citizen of the Choctaw Nation. You refused his application because he has never been enrolled or admitted as a Choctaw citizen, and had not prior to June 28, 1898, settled in good faith in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Choctaw 2-110.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Marion Green for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED.

T. B. Needles.

Commissioner in Charge.

Reg 578



Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

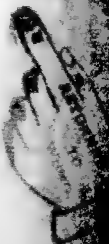
UNCLASSIFIED.

Marion Green,

South McAlester,

Indian Territory.

24-6





46.013

COMMISSIONERS
HARRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRICKNORRIS

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFER IN REPLY TO THE FOLLOWING

Choctaw No. B-110.

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of }
Marian Green, for the enrollment of }
herself as a citizen by blood of }
the Choctaw Nation.

To Marian Green,

South McAlester, Indian Territory.

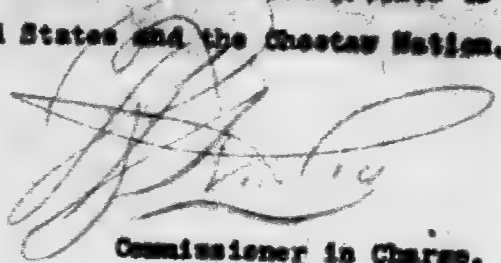
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

M. G., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Reg 847

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



UNCLAIMED.

Marion Green,

South McAlester



7845

3717

Indian Territory



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7 R 110

Muskogee, Indian Territory, May 19, 1902.

Marion Green,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 inclosure.
Registered.

Acting Chairman.

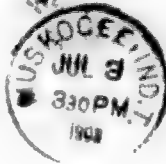
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Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Marion Green,
UNCLAIMED





COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO THE FOLLOWING

Cheetaw R-110.

Muskogee, Indian Territory, July 1, 1902.

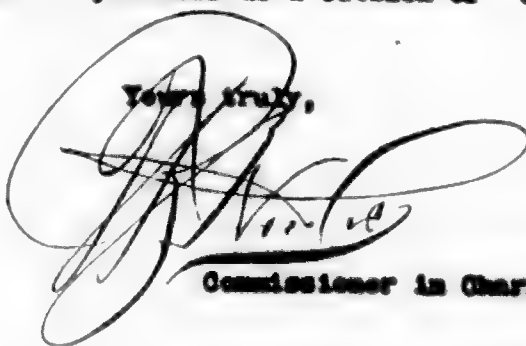
Marion Green,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cheetaw Nation.

Yours truly,



Commissioner in Charge.

APPROVED BY THE SECRETARY OF THE INTERIOR
FOR THE CHOCTAW NATION.
REFUSED.

MAY 19 1902

COPIES OF DECISION FORWARDED TO
APPLICANT

MAY 19 1902

MAY 19 1902

COPIES OF DECISION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

COPIES OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Choc Rill Emma Green

Rill

Emmal Green et al.

- VS -
Choctaw Nation

Judgment written January 29 1901
B.C.S.

REFUSED. JUL 18 1906

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. JUL 18 1906

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT
JUL 18 1906

RECORD FORWARDED DEPARTMENT.
JUL 18 1906

*Aug 16-1906. Petition for appeal
forwarded Department.*

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**
FEB 11 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT 11:45 AM FOR CHOCTAW
AND CHICKASAW NATIONS. FEB 28 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANTS FEB 24 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANTS FEB 1907

Commission to the Five Civilized Tribes,

Oklahoma, Indian Territory.

In the enrollment of Emma Green and children as Choctaws;
being sworn and examined by Com'r McFadden, she testifies:

Q What is your name? A Emma Green.

Q How old are you? A Forty-two.

Q Your mother was a white woman? A Yes sir.

Q Where did your father and mother live? A They lived in the
Choctaw Nation.

(She is the daughter of Mary Williams, see her enrollment
as to marriage to husband.)

Examined by Choctaw Att'y, Gatchelford:

Q Where have you been living? A In Texarkana Arkansas.

Q How long? A About ten years.

Q Gatchelford: For the last ten years? A Yes sir.

Q You are still living there? A No sir.

Q When did you leave there? A This summer.

Q You had been living there ten years up to this summer?

A Yes sir.

Examined by Com'r McFadden:

Q And these children with you? A Yes sir.

Q When did you move to Texarkana? A In disembar.

Q Where did you go from to Texarkana? A From this county,
Blue county.

Q How long had you lived here? A Two years.

Q Where did you come from here the first time? A From Eagle
county, once a while.

Q How long had you been living in the Choctaw Nation? A Four-
teen years.

Q Were you married to your husband in the Choctaw Nation?

A No sir.

Q Where? A In Arkansas.

Q Then did you live in Arkansas for a time after you married?

Emma Green and children- (2)

A No sir I didn't stay there but a short time; we came to this county and settled in place and staid here two years, and then went to Texas.

Q How long did you live in Texas? A Hardly a year.

Q Where did you go to then? A To Texarkana, Arkansas.

Q And lived there about ten years? A Yes sir.

Examined by Choctaw Atty Shackelford:

Q You had not lived in the Territory for ten years up to last summer? A No sir.

Q Who was your father? A Push Pitchlyan.

Q Where did he live? A In the Choctaw Nation, Eagle County

Q (By Com'r Needles: Your husband dead? A No sir.

Q Where is he? A In Texarkana.

Q Com'r McKenna: You are not separated from him? A No sir.

Q Shackelford: That is your home now? A No sir, I make my home here now.

Q Isn't your husband living there? A Yes sir.

Q You didn't move any of your household goods did you?

A No sir.

Q You came on a visit didn't you? A No sir, I brought my clothes and everything.

Q You just brought your wearing apparel? A Yes sir.

Q And left your household goods and everything there?

A Yes sir.

Q Com'r McKenna: When did you come, you say? A In this month, August; my boys came last March.

Q Is your husband a white man? A Yes sir.

Q You have never been married but once? A No sir.

Q Com'r Needles: Are you boarding here or keeping house?

A No sir, I am staying with my sister.

Q You intend to go back to Texarkana after enrollment, to your

Emma Green and children (3)

husband don't you? A No sir.

Q Is he going to move here? A Yes sir.

Q Com'r McKennon: You own property there? A Yes sir.

Q Town property? A No sir.

Q Don't you own a farm? A Yes sir.

Q In Arkansas? A Yes sir.

Q Were you living on the farm? A Yes sir.

Q Your household goods and everything of the kind are down in Arkansas? A Yes sir.

Q Your husband is there with them? A Yes sir.

Q Com'r Needles: What business does he follow? A Farming.

Q Does he own a farm? A Yes sir.

Q Com'r McKennon:

It seems that you and your family are still residents of Arkansas, and we cannot enroll you.

of the Interior,
Commissioner of the Civilized Tribes,
I hereby certify under my official oath as
stenographer to the Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Green for enrollment as a citizen of the Choctaw Nation, Choctaw Field number R-111.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Mattie Lee Armstrong, vs. The Choctaw and Chickasaw Nations, number fifty-nine on the Tishomingo Docket, in which the said court will decide the question of what compliance, by the applicants or their ancestors, with the third or the fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participation in the distribution of tribal property of the Choctaws and Chickasaws, notwithstanding their recognition as citizens by the tribal authorities of the Choctaw Nation, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw R-111.

In the matter of the enrollment
of Emma Green as a citizen of
the Choctaw Nation.

Department of the Interior,
Commission to the Five Civilized
Tribes.
Filed Feb. 6, 1904.
Tams Dixby, Chairman.

PROTEST of
Choctaw and Chickasaw Attorneys.

IN RE
THE DEATH OF

Emma Green
a citizen of the

Choctaw *Nation.*

Approved

1

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Emma Green
(Here insert name of deceased.)
a citizen of the Choctaw Nation, who formerly resided at or near
Caddo, Ind. Ter., and died on the 31st day of 1902
(Here insert name of post office)
1 at Texarkana Ark.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.
District.)

I, P. L. Green on oath state that I am 26
years of age and a citizen, by Blood, of the Choctaw Nation;
that my post office address is Texarkana Arkansas, And Tex.; that I am
a son of Emma Green
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by Birth and Blood of the Choctaw Nation;
and that said Emma Green
(Here insert name of deceased.) died on the 31st day of
October 1902, 1 at Texarkana Ark
WITNESSES TO MAKE: P. L. Green

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this 5th day of March 1906

(SEAL) B. A. Lewis
Miller County, Arkansas. Notary Public.
My Com expires 8/30/1909

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY.
District.)

I, , on oath state that I am
years of age, and a citizen, by , of the Nation;
that my post office address is (Here insert name of post office) Ind. Ter.;
that I was personally acquainted with (Here insert name of deceased.)
who was a citizen, by , of the Nation;
and that said (Here insert name of deceased.) died on the day of
1

WITNESSES TO MAKE:

(Must be Two
Witnesses.) }

Subscribed and sworn to before me this day of

Notary Public.

7-R-111.

Muskogee, Indian Territory, June 7, 1906.

L. P. Green,
c/f W. F. Kirby,
Attorney at Law,
Texarkana, Arkansas.

Dear Sir:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your mother, Emma Green (now deceased), as a citizen by blood of the Choctaw Nation, it will be necessary that testimony be introduced showing her Choctaw blood, the names of her parents, the residence of said parents prior to their removal to the Indian Territory, together with the residence of the applicant. For this purpose you will be permitted to introduce the testimony of such witnesses as you may desire at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, June 29, 1906, at nine o'clock A. M.

Notice to this effect has also been furnished your attorney, W. F. Kirby, of Texarkana, Arkansas, and Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, June 7, 1906.

Ralls Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

This office has this day notified L. P. Green of Texarkana, Arkansas, that before any further action could be taken in the matter of the application for the enrollment of his mother, Emma Green (now deceased), as a citizen by blood of the Choctaw Nation, it would be necessary for him to introduce testimony showing her Choctaw blood, the names of her parents, the residence of said parents prior to their removal to the Indian Territory, together with the residence of the applicant, and for this purpose he will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Friday, June 29, 1906, at nine o'clock A. M., and introduce the testimony of such witnesses as he might desire.

Similar notice has been addressed to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, June 7, 1906.

W. F. Kirby,
Attorney at Law,
at 1 1/2 State Line,
Texarkana, Arkansas.

Dear Sir:

This office has this day notified L. P. Green of Texarkana, Arkansas, that before any further action could be taken in the matter of the application for the enrollment of his mother, Emma Green (now deceased), as a citizen by blood of the Choctaw Nation, it would be necessary for him to introduce testimony showing her Choctaw blood, the names of her parents, the residence of said parents prior to their removal to the Indian Territory, together with the residence of the applicant, and for this purpose he will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Friday, June 29, 1906, at nine o'clock A. M., and introduce the testimony of such witnesses as he might desire.

Similar notice has been addressed to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, June 7, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

This office has this day notified L. P. Green of Texarkana, Arkansas, that before any further action could be taken in the matter of the application for the enrollment of his mother, Emma Green (now deceased), as a citizen by blood of the Choctaw Nation, it would be necessary for him to introduce testimony showing her Choctaw blood, the names of her parents, the residence of said parents prior to their removal to the Indian Territory, together with the residence of the applicant, and for this purpose he will be permitted to appear before the Commissioner to the Five Civilized Tribes at his office at Muskogee, Indian Territory, on Friday, June 29, 1906, at nine o'clock A. M., and introduce the testimony of such witnesses as he might desire.

Similar notices have been furnished his attorneys, W. F. Kirby, of Texarkana, Arkansas, and Ralls Brothers, of Atoka, Indian Territory.

Respectfully,

Commissioner.

7-R-111.

Department of the Interior,
Commissioner to the Five Civilized Tribes.
Muskogee, Indian Territory, June 29, 1906.

In the matter of the application for the enrollment of
Emma Green as a citizen by blood of the Choctaw Nation.

Appearances: Applicant not represented by counsel.
G. Rosenwinkel appears on behalf of Mansfield, McMurray
& Cornish, attorneys for the Choctaw and Chickasaw
Nations.

MOLLIE FOLSOM, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Mollie Folsom.
Q How old are you? A Forty-seven.
Q What is your postoffice? A Caddo.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q By blood? A Yes sir.
Q Been finally enrolled and received your allotment? A Yes sir, my name is on the roll, too.
Q Are you a relative of Emma Green? A Sister.
Q Full sister? A Yes sir, just three sisters of us.
Q What is the name of Emma Green's father? A Lycurgus Pitchlynn.
Q What is the name of Emma Green's mother? A Mary Pitchlynn, at that time, but her mother's name is Williams, now.
Q Is she living? A Yes sir, she is living and on the roll.
Q As what? As Mary Williams.
Q As an intermarried or a citizen by blood? A She is intermarried; my father was Choctaw you know, and my mother was a white woman.
Q Is Emma Green living at this time? A No sir.
Q When did she die? A She has been dead about four years.
Q What is the date of her death? A I am so forgetful; the date of her death---I wasn't there when she died.
Q If you don't know, just state so? A Well, I knew, but I forget.
Q Were you living in her vicinity when she died? A No sir, I was living in the Indian Territory, and my sister was living in Arkansas when she died.
Q At what place in Arkansas did she die? A Texarkana. Died there in the city of Texarkana.
Q How long had she been living there prior to her death at Texarkana? A Well, I don't know exactly how long she had been living there.
Q Haven't you any idea? A I don't know exactly.
Q Had she been living there as much as six or eight years? A Yes sir.
Q Fully that long? A Yes sir.
Q Had she been living there ten years? A Might have been ten years; I couldn't say positive; been a good while, though.

- Q What is the name of her husband? A Frank Green.
- Q Is he a citizen of the State of Arkansas? A Yes sir.
- Q Where did she marry him? A In Polk County.
- Q Arkansas? A Yes sir.
- Q Do you know when they were married? A I did know but I forgot; I was very small; I saw them married, but I was so small I forgot the date and the year, but I saw my sister married.
- Q Did they continue to live in the state of Arkansas after they were married? A They lived in the Territory a good long time at home, and then they moved to Arkansas.
- Q Have you any way of fixing the year your sister moved to Arkansas after she had resided here in the Territory? A I couldn't tell you what year she went there; I was very small when she left home.
- Q When she left home the last time? A When she married and left home.
- Q Were you very small when she left home the last time and went to Arkansas? A Oh, she lived up here near Caddo, too, a while, after she left home; away down east there.
- Q Well, has it been ten years ago since she removed to Arkansas? A I expect it has been that long.
- Q And lived there until her death? A Yes sir, she used to live here in the Territory, though.
- Q But it has been over ten years since she lived here? A Well, I guess it has been about that long.
- Q Well, answer the question, please? A Well, maybe my sister can answer that question.
- Q Where was your sister born? A In Eagle County in the Choctaw Nation, away down east here.
- Q When did your father and Emma Green's father, Lycurgus Pitchlynn, die? A What year did he die?
- Q Yes? A I couldn't tell you; I was very small; I can just recollect papa when he died; he wasn't an old man when he died; he was well known in Washington by every one, but I couldn't tell you what year he died.
- Q Was he a delegate for the Choctaws to the City of Washington? A I think so; I know his father was.
- Q Did Lycurgus Pitchlynn have any Choctaw blood? A Yes sir.
- Q How much? A Well, I don't know whether he was a half breed or not, but I think he was a half breed.
- Q Do you know when your father and mother were married? A No sir.
- Q Where was your father born? A He was born way down east here.
- Q In the Indian Territory? A Yes sir.
- Q Did you know his father? A Yes sir.
- Q What is his name? A T. P. Pitchlynn.
- Q What is the given name? A Peter.
- Q Who is your father's mother? A My father's mother was---I couldn't tell you her name; I don't know exactly; I have heard mother speak of her too.
- Q White woman or claim to be an Indian? A She was an Indian, Choctaw woman.
- Q Do you remember when the supplemental treaty was voted on a few years ago, the Choctaw supplemental treaty? A I suppose I have, but I never paid any attention to politics or anything that way.
- Q Do you know when the land office opened in the Choctaw Nation? A Yes sir.
- Q How long before that time did Emma Green die? A Well, she has been dead four years.

Q How long before the land office opened did Emma Green die?

A I don't know.

Q How many months? A I don't know that.

By Mr. Rosenwinkel:

Q Mrs. Folsom, don't you remember when they had the election when Hunter and Dukes and McCurtain all got into a row and had trouble at Muskahoma? A Yes sir, I recollect that.

Q How was your mother living at that time or not? A My sister?

Q I mean this woman you are testifying about? A I don't recollect how long it has been, but I recollect about that election and the trouble they had.

Q Now, can't you think a little and associate some events, and say whether she was living then or not? A I don't think she was living then at that time; I don't recollect, but I recollect she has been dead four years.

Q Well, can't you remember what time of the year it was; whether it was in the summer or spring when she died? A She died in the winter, I think, or fall; in the fall, I think; seems like it was in September or October; I am not certain; September or October, one of those months.

Q Didn't some of your people go over to Council about that time?

A My husband went to Council, yes sir, my husband.

Q Now, do you remember whether your sister was living at the time your husband started over to the Council? A It seems like he went there to Council that time; I am not certain but it seems like he went.

Q Who was Push Pitchlann? A My father; they called him Push, but his name was Lycurgus; they called him Push-ma-ta-ha or Push all the time.

Q Your sister has never claimed a home in the Indian Territory since about the year 1890, has she? A No sir.

Q She didn't live here at the time they made the payment of the leased district money? A The first payment, you mean.

Q The leased district money, the \$103.00? A She wasn't living here at that time; she came up and gave the men her children's names and her name, and we three sisters was put on the roll there together.

By the Commissioner:

Q After she left and went to Arkansas, did she ever own any property here in the Choctaw Nation? A She had property here before she moved there; they had a place here.

Q What did they do with it? A They just moved away and left it.

Q Abandoned it? A I don't think they sold it.

Q Did they ever get anything out of it after they left it? A No sir.

Q Did they have a tenant on that place after they left? A No sir.

Q They just abandoned it; just left it? A Yes sir, they left the place.

Q And never took it up again? A No sir.

Q And never got any rents from it? A No sir.

By Mr. Rosenwinkel:

Q Do you know who took the place after they left it? A No sir, I don't know that; it was close to Caddo is all.

(Witness excused.)

MINNIE P. SEMPLE, being first duly sworn, testified as follows:

Examination by the Commissioner:

- Q What is your name? A Minnie P. Semple.
Q How old are you? A Forty-five.
Q Your residence? A Caddo.
Q Are you related to Emma Green? A Yes sir.
Q What is that relationship? A Sister.
Q Have you both the same father and mother? A Yes sir.
Q What is the name of your father? A Lycourgua Pitchlynn.
Q And your mother? A Mary Parker before she was married.
Q Do you recollect the date of the death of Emma Green? A It was the last of October.
Q Did you attend her funeral? A No sir.
Q How were you notified of her death? A Why, one of the boys came up.
Q What boys? A One of her boys.
Q Did he state to you what date she died? A Yes sir.
Q What was the exact date of her death? A Well, I don't know exactly, but it was the last of October.
Q What month did her son arrive at your home? A It was in mid-winter some time; I don't remember the date.
Q Where was Emma Green residing at the time of her death? A Texarkana.
Q How many years had she been living there at Texarkana? A I don't know exactly, but I guess she lived there about one-half of her life; one-half of the time her home was in Texarkana.
Q About how old a woman was she at the time of her death? A She was about forty-five.
Q Do you mean to state that she had lived there for twenty years? A Well, I expect it was all of twenty.
Q The last twenty years? A Yes sir.
Q So that since about 1882 she had been living continuously in the State of Arkansas? A Yes sir.
Q What is the name of Emma Green's husband? A Frank Green.
Q Where did she marry him? A Polk County, Arkansas.
Q Do you know when? A No sir, I don't remember; I know about the time she married, but I don't remember the date; I was too small.
Q Was her husband a citizen of the State of Arkansas? A Yes sir.
Q After she married Mr. Green in Arkansas, did she come back to the Indian Territory? A Yes sir, she came back and they lived quite a while in the Territory.
Q How many years? A I don't know how many years it was.
Q Then you are quite sure, are you, that she hadn't lived here for twenty years prior to her death? A Yes sir, she was born and raised here, and went to Arkansas a little while after she married.
Q I want to know if I was correct in saying that Emma Green had not made here home in the Choctaw Nation for twenty years before she died? A I guess it was about that; I don't know for sure.

By Mr. Rosenwinkel:

- Q Emma Green and her husband owned a home there in Texarkana, did they not? A Yes sir.
Q They also owned a farm out in the country east of there? A Yes sir.

By the Commissioner:

- Q Are you a citizen of the Chectaw Nation? A Yes sir.
Q Been enrolled and taken your allotment? A Yes sir.
Q Are you enrolled as a citizen by blood? A Yes sir.
Q Have you any children who have been enrolled? A Yes sir.
Q All of them? A Yes sir.

(Witness excused.)

Lenora B. Ashton, as stenographer to the Commissioner to the Five Civilized Tribes, on oath states that she reported the testimony in the above entitled cause on the 29th day of June, 1906, and that the above and foregoing transcript is a true and complete translation of her stenographic notes.

Subscribed and sworn to before me this 2nd day of July, 1906.

Lenora B. Ashton

Walter W. Chappell
Notary Public.

IN RE
THE DEATH OF

Mrs. Emma Green
a citizen of the

Nation.

Approved

1

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized
Tribes.

Filed Jun. 29, 1906.

Tams Dixby, Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Emma Green
(Here insert name of deceased)
a citizen of the Miller Co. Arkansas Nation, who formerly resided at or near
Texarkana Arkansas Ind. Ter., and died on the 31st day of October,
(Here insert name of post office)
1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,
State of Arkansas, Dist. of
County of Miller.

I, Benjamin F. Green on oath state that I am 54
years of age and a citizen, by of Miller County, Ark. Nation;
that my post office address is Texarkana, Arkansas Ind. Ter. that I am
(Here insert name of post office)
the husband of Emma Green
(State relationship, as: the father, an uncle, a cousin, etc.) (Here insert name of deceased)
who was a citizen, by Ind. Ter. of the Nation;
and that said Emma Green died on the 31st day of
(Here insert name of deceased)
October, 1902

WITNESSES TO MARK

Ben. F. Green

(Must be Two
Witnesses)

Subscribed and sworn to before me this 7th day of March, 1903.

(SEAL) A. M. Garrison
Notary Public.

My Com. Ex Nov. 25th, 1905. AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,
State of Arkansas Dist. of
County of Miller

I, E. C. East, on oath state that I am 48
years of age, and a citizen, by of Texarkana, Miller Co. Arkansas Nation;
that my post office address is Texarkana, Arkansas Ind. Ter.
(Here insert name of post office)
that I was personally acquainted with Emma Green (and was the under-
taker who buried her) (Here insert name of deceased)
who was a citizen, by of Miller County, Ark. Nation;
and that said Emma Green died on the 31 day of
(Here insert name of deceased)
October, 1902 and was buried on Nov 1st 1902.

WITNESSES TO MARK

E. C. East

(Must be Two
Witnesses)

Subscribed and sworn to before me this 7th day of March, 1903.

(SEAL) A. M. Garrison
Notary Public.
My Com. Ex Nov 25th 1905.

7-B-111.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Emma Green as a citizen by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that in August, 1890, Emma Green appeared before the Commission to the Five Civilized Tribes at Caddo, Indian Territory, and made application for the enrollment of herself as a citizen by blood of the Choctaw Nation.

The evidence in this case shows that said applicant was born in the Choctaw Nation, and is the daughter of Lyourges Pitchlyn, a Choctaw by blood, and Mary Williams, whose name appears as number 977 upon a list prepared by the Commission to the Five Civilized Tribes, under the provisions of the Act of Congress approved July 1, 1902 (32 Stats., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation, and approved by the Secretary of the Interior September 22, 1904.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicant is identified upon the 1896 Choctaw Census Roll, Blue County, No. 4908, and that opposite said name appears the notation "Enrollment refused".

The evidence in this case further shows that since 1890, up to and including September 25, 1902, the applicant has resided continuously in the State of Arkansas, with the exception of a temporary visit to the Indian Territory in the summer of 1899; and that during said time, she owned no property or had no interests in the Indian Territory.

Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to, and in good faith settled in, the nation in which he claims citizenship....."

It is considered from the above facts that the applicant was not a resident in good faith of the Indian Territory on June 28, 1898.

I am, therefore, of the opinion that the application made for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

Muskogee, Indian Territory,


Commissioner.

7-R-111.

DOH
Muskogee, Indian Territory, July 18, 1906.

Falls Brothers,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 18, 1906, denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

James Bixby
Commissioner.

Registered.

Incl. 7-R-111.

7-B-111

Muskogee, Indian Territory, July 18, 1906.

William F. Kirby,
Attorney at Law,
Texarkana, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the five Civilized Tribes, rendered July 18, 1906, denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 7-B-111.

7-B-111

COPY

Muskogee, Indian Territory, July 18, 1906.

R. H. Cox,

Minden, Louisiana.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 18, 1906, rendered his decision denying the application for the enrollment of Anna Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

James S. Kirby
Commissioner.

Registered.

Incl. 7-B-111.

7-R-111.

COPY

Muskogee, Indian Territory, July 18, 1906.

Manusfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 18, 1906, denying the application for the enrollment of Mrs. Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

James E. Brown
Commissioner.

Incl. 7-R-111.

copy

Muskogee, Indian Territory, July 18, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated July 18, 1906, denying said application.

Respectfully,

James H. Cox
Commissioner.

2 Incl. 7-B-111

Through the
Commissioner of Indian Affairs.

Maskogee, Indian Territory, August 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

On July 18, 1906, the Commissioner to the Five Civilized Tribes rendered his decision denying the application of Eben Green for enrollment as a citizen by blood of the Choctaw Nation, and on the same date the record in this case was forwarded for Departmental consideration.

I now have the honor to transmit herewith, for consideration in connection with this case, petition for appeal in this case submitted by Hall Brothers attorneys for applicant.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

7-R-111

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

7-R--111

IN THE MATTER OF THE APPLICATION FOR THE)
ENROLLMENT OF EMMA GREEN, AS A CITIZEN) P E T I T I O N
BY BLOOD OF THE CHOCTAW N A T I O N) FOR APPEAL

The applicant, through her attorneys, respectfully represents that the Commissioner erred in his decision denying the application herein and says that the proof in this case requires and demands the enrollment of the applicant.

The Commissioner erred in holding that the applicant had not complied with Section 21 of an Act of Congress approved June 28th, found in the 30th Statutes at Large, page 498.

The evidence in this case shows that Emma Green is a Choctaw Indian by blood and that she has two sisters, to wit, Mollie Fulsom at Caddo, Ind.Ter. and Minnie P. Sample of Caddo, Ind.Ter. who are enrolled and approved as Choctaw Indians by blood; as to her blood there can be no question, her father was a recognized Choctaw and her mother is a recognized and enrolled inter-married citizen; and the evidence also shows that Emma Green was a bona fide resident of the Choctaw Nation and that for a long time prior to the passage of the Act referred to, she had established a bona fide residence in the Choctaw Nation. The applicant was born and raised in the Choctaw Nation and there is nothing in any law that we have been able to find that causes the forfeiture of a woman's right to marry a man of Arkansas any more than a man in Washington City; that is purely a matter of choice and various people have various notions in the selection of husbands and wives.

We suggest that a careful investigation be made of all the records and that upon such investigation the name of Emma Green will be found on the rolls.

(2)

WHEREFORE, an appeal is prayed to the Commissioner of Indian Affairs and it is asked that this case be tried upon the record and upon an actual investigation of the records in possession of the Commission and that the name of Emma Green be placed upon the rolls as a member by blood of the Choctaw Nation.

(Signed)

Ralls Bros

Attorneys for Applicant.

J. G. Ralls, having been by me first duly sworn, according to law states on his oath that on the 25th day of July, 1906, he enclosed in an envelope a true copy of the above petition for appeal and sealed the same and placed the same in an envelope addressed to Mansfield, McMurray & Cornish, Attorneys at Law, South McAlester and deposited said package at Atoka with the Postmaster and secured therefor a registry receipt which is hereto attached.

(Signed)

J. G. Ralls

Subscribed and sworn to before me this the 25th day of July, 1906.

(Seal)

(Signed)

W. H. Moorman
Notary Public.

My Commission expires on the July 5th, 1909.

(Registry receipt attached)

July

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY

June 30, 1906.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON.

D. C. 9314-1907.
I.T.D. 58-1907.

February 14, 1907.

L. R. S.

Direct.Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 18, 1906, you transmitted the record in the matter of the application of ~~Emma~~ Green for enrollment as a citizen by blood of the Choctaw Nation, together with your decision of same date, adverse to the applicant.

Reporting January 3, 1907 (Land 71819-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 5 to Ind. Of.

A. F. Mc.

2-15-07

DEPARTMENT OF THE INTERIOR,

LAND:
62148-1906.
71819-1906.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 18, 1906, transmitting the record relative to the application of Emma Green for enrollment as a citizen of the Choctaw Nation.

In August, 1899, Emma Green applied to the Commission to the Five Civilized Tribes, at Caddo, Indian Territory, for enrollment as a citizen by blood.

On July 18, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that the applicant is the daughter of Lyeurgess Pitchlyn, a citizen by blood of the Choctaw Nation, and Mary Williams, identified at No. 977 on a list prepared by the Commission under the provisions of the Act of July 1, 1902, (32 Stat.L., 641), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on September 22, 1904.

The Commissioner reports that the applicant is identified at No. 4908 on the 1896 Choctaw Census Roll, Blue County, and

that opposite her name, appears the notation. "Enrollment refused".

The evidence further shows that the applicant was born in the Choctaw Nation in Eagle County and lived there until about 1890, at which time she married and moved to the state of Arkansas where she resided continuously for a period of about ten years, after which time she came back to the Choctaw Nation and resided there for a time and then returned to and resided in the State of Arkansas.

A death affidavit, with the record, shows that the applicant, Emma Green, died on October 31, 1902, in the state of Arkansas. A petition, together with the appeal, was filed by Ralls brothers, attorneys for the applicant, on August 17, 1906, and has been received and considered.

The evidence establishes the fact that the applicant intended to become and did become a citizen of the state of Arkansas after her removal to that state in 1890, and that her subsequent visits to the Choctaw Nation were merely of a temporary character.

As the applicant was not a resident in good faith of the Choctaw Nation on June 28, 1898, the decision of the commissioner adverse to her is recommended for approval, in view of section 21 of the Act of June 28, 1898 (30 Stat.L., 495).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

9-2-111

Muskogee, Indian Territory, February 28, 1907.

Frank Green,

Texarkana, Arkansas.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application of Emma Green for enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-311.

Muskogee, Indian Territory, February 28, 1907.

Bert Green,

Texarkana, Arkansas.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Bert Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-111.

Waskogee, Indian Territory, February 28, 1907.

Peter L. Green,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Peter L. Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, February 28, 1907.

Ralls Brothers,

Attorneys at law,

Atoka, Indian Territory.

Gentlemen:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, February 26, 1907.

William F. Kirby,

Attorney at law,

Texarkana, Arkansas.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, February 28, 1907.

R. H. Cox,

Minden, Louisiana.

Dear Sir:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Bena Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-111.

Muskogee, Indian Territory, February 28, 1907.

Manafield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 14, 1907, the Secretary of the Interior affirmed the decision of this office of July 18, 1906, denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

HENRY L. DAWES
JAMES BIRNEY
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN FULL TO THE FOLLOWING

Chectaw-R-111

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, January 12, 1908.

In the matter of the application of)
Emma Green, for the enrollment of)
herself as a citizen by blood of the)
Choctaw Nation.)

To Emma Green,

Texarkana, Arkansas.

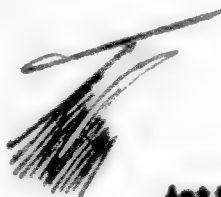
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the Act of Congress approved June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article

Ream Green-2

of the treaty of 1830, between the United States and the Choctaw Nation.

A handwritten signature in dark ink, consisting of a series of overlapping, sweeping strokes that form a stylized, somewhat abstract shape.

Acting Chairman.

Register.

Muskogee, Indian Territory, February 17, 1903.

Peter L. Green,

Durant, Indian Territory.

Dear Sir:

There has been received at this office your petition in affidavit form, with supporting affidavits of Mollie Folsom, L. S. W. Folsom and Minnie Sample. In said petition and supporting affidavits it is alleged that yourself, your sisters Prudence Cox, nee Green, and Ethel B. Green, are children of Emma Green who is now dead, and are the descendants of Peter P. Pytahlynn a Mississippi Choctaw Indian who resided in Mississippi in 1830 and took land under the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830, and pray for the enrollment of yourself and two sisters as Mississippi Choctaws.

You are advised that it appears from the records of the Commission that Emma Green made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation. For the purpose of making her death a matter of record there is enclosed you herewith blank affidavits for proof of death which you are requested to have properly executed and return to this Commission in the enclosed envelope which requires no postage.

The records of the Commission further show that P. L. Green, age twenty-two years, residence Caddo, Indian Territory, appeared at Atoka, Indian Territory, on November 18, 1902, and that Prudence Cox, twenty years of age, residence Goldona, Louisiana, and Bert Green, eighteen years of age, residence Texarkana, Arkansas, appeared at Antlers, Indian Territory, on December 4, 1902, and submitted their applications for enrollment as citizens by blood of the Choctaw Nation. It does not appear that these applicants have ever been enrolled by the tribal authorities of the Choctaw Nation nor do their names appear upon any of the Choctaw rolls in the possession of the Commission. Neither does it appear that they have ever been admitted to citizenship in the Choctaw Nation by this Commission or by the legally constituted authorities of the Choctaw Nation under the act of Congress approved June 10, 1896, or by a judgment of the United States Court in Indian Territory on appeal.

The act of Congress of May 31, 1900, provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Under the provision of law above quoted, the Commission is without jurisdiction to consider these applications.

You are further advised that it does not appear that any application has ever been made for the identification of P. L. Green, Prudence Cox, nee Green, and Bert Green as Mississippi Choctaws, and until personal application is made the Commission cannot receive or consider any evidence in support of such claim.

The authority vested in this Commission to determine the identity of so-called Mississippi Choctaws is contained in a provision of the twenty-first section of the act of Congress approved June 26, 1896, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement

of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of the fourteenth article, above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for yourself, Prudence Cox, nee Green, and Bert Green to obtain rights as

P L G 8

Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws until March 25, 1903.

Your petition, together with supporting affidavits of Nellie Folsom, L. S. W. Folsom and Mimmie Sample are herewith returned.

Respectfully,

Choctaw R 111.

Muskogee, Indian Territory, February 10, 1904.

Emma Green,

Texarkana, Arkansas.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to your enrollment as a citizen of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BENT,
THOMAS E. HENKELS,
C. E. BUCKENRIDGE.

WM. G. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPORT IN REPLY TO THE FOLLOWING:

7-R-111

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1904.

Peter L. Green,

Durant, Indian Territory.

Dear Sir:

The Commission has received information to the effect that Emma Green has died subsequent to the making of her application for enrollment as a citizen of the Choctaw Nation, and for the purpose of making this a matter of proper record, there is enclosed you herewith a blank affidavit which you are requested to have filled out and return to this Commission at the earliest possible date.

An envelope for reply is enclosed herewith.

Respectfully,

Enc DC & Env


Chairman.

7-B-111.

Muskogee, Indian Territory, February 16, 1906.

P. L. Green,
c/o W. F. Curby,
Texarkana, Ark.

Dear Sir:

This office is in receipt of information to the effect that your sister, Emma Green, an applicant for enrollment as a citizen by blood of the Choctaw Nation, has died since the date of her application. In order to secure this information in proper form, there is enclosed you herewith a blank proof of death, which you are requested to have filled out, returning same to this office in the enclosed envelope which requires no postage.

Kindly give this matter your immediate attention.

Respectfully,

Acting Commissioner.

Encl. Env.
D. A.

REFER IN REPLY TO THE FOLLOWING

7-R-111.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1906.

P. L. Green,

Caddo, Indian Territory.

Dear Sir:

This office is in receipt of information to the effect that your sister, Emma Green, an applicant for enrollment as a citizen by blood of the Choctaw Nation, has died since the date of her application. In order to secure this information in proper form, there is enclosed you herewith a blank proof of death, which you are requested to have filled out, returning same to this office in the enclosed envelope which requires no postage.

Kindly give this matter your immediate attention.

Respectfully,


Acting Commissioner.

Encl. Env.
D.A.

(Copy)

WILLIAM F. KIRBY.
Attorney at Law.
214 1/2 State Line.

Texarkana Ark. 2/22/1906.

W. O. Beall, Acting Commissioner,
Muskogee, I. T.

Dear Sir:

The attached letter was handed to L. P. Green, who requests that I advise that Emma Green was his mother, and not his sister; and that he had formerly filled out a proof similar to one enclosed, while at Ardmore I. T. And it has been his understanding that the Sect'y of Interior passed adversely on that proof.

He does not seem to understand the matter, and requested that I write you as regards same.

It is a fact that P. L. Green is a son, and not a brother of Emma Green. Hoping to be of mutual assistance to you and Mr. Green, I beg to be,

Respectfully,

(signed)

W. F. KIRBY.

7-R-111

Muskogee, Indian Territory, February 28, 1906.

W. F. Kirby,

Texarkana, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 22, 1906, in reference to a letter recently addressed to P. L. Green relative to Emma Green; you state that P. L. Green is the son of Emma Green instead of her brother and he advised you that he forwarded proof of her death from Ardmore, Indian Territory; you therefore ask information in regard to this matter.

In reply to your letter you are advised that if you will have the enclosed blank executed securing the affidavit of a relative and the affidavit of an acquaintance to the correct date of the death of Emma Green and have the affidavits acknowledged before a Notary Public and returned to this office in the enclosed envelope your action will be appreciated. You are advised that in having these affidavits executed all names should be written in full, all blanks should be properly filled and signatures by mark should be attested by two disinterested witnesses.

You are further advised that the application of Emma Green for enrollment as an intermarried citizen of the Choctaw Nation has not yet been passed upon and until this evidence is received no

W. F. K. 52

further action can be taken in her case.

Respectfully,

Acting Commissioner.

D. C.

Enc.

7-R-111

Muskogee, Indian Territory, March 10, 1906.

William F. Kirby,
Attorney at Law,
Texarkana, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 5, 1906, inclosing affidavit of P. L. Green to the death of his mother Emma Green, October 31, 1902, and the same has been filed with the record in the matter of her application for enrollment as a citizen of said nation.

You are advised that you will be allowed thirty days from this date within which to introduce the testimony of witnesses in support of the claim of Emma Green to enrollment as a citizen of the Choctaw Nation, notice of the time of taking such testimony being first served upon Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, at South McAlester, Indian Territory.

Respectfully,

Acting Commissioner.

7-R-111

Muskogee, Indian Territory, April 7, 1906.

W. F. Kirby,

Texarkana, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 3, 1906, in which you desire additional time within which to introduce testimony in support of the application of Emma Green for enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are advised that you will be allowed fifteen days additional time or until April 25, 1906 within which to present such testimony as you desire to submit in support of this application.

You are further advised that notice of the time of taking this testimony must first be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Acting Commissioner.

Ralls Brothers

Attorneys and Counselors,

Atoka, Ind. Ter.

Atoka, Ind. Ter. April 30, 1906.

7-R111. Emma Green.

Hon. Tams Bixby,

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Dear Sir:

By today's mail we are in receipt of communications relating to the above case with the request to take the matter up and introduce such evidence as can be furnished.

Mr. W. F. Kirby of Texarkana, Ark. was employed by the applicant and he wrote to Mr. Solomon Homer of Cadde, requesting him to attend to the matter and Mr. Homer did not reply to the letter until April 27th, at which time he suggested to Mr. Kirby, to employ our firm, and Mr. Kirby on the 28th of this month wrote us enclosing your letter of April 7th to me in which you advise him that an additional fifteen days would be given in which to introduce further evidence.

The applicant appears to be a sister of Mrs. F. E. Folsom and Mrs. C. A. Semple, both of Caddo and both of who, we believe are entolled and approved as Choctaw Indians by blood. We are not familiar with the record in this case but take it for granted that a regular application has been made and that the additional evidence

Commissioner -----Page 2.

is as to the connection of the applicant with the Choctaw Tribe.

We would like to have thirty days time in which to furnish additional proof as a matter of precaution. We would want to send and have the applicant appear in person at the time her witnesses appear, so there would be no mistake about the identity of the applicant.

If there is a duplicate of the application and evidence will you kindly send us a copy of it by return mail as this may expedite the closing of the case.

Very respectfully,

Ralls Bros.

7-R-111

Received of the Commissioner to the Five Civilized Tribes
one copy of the testimony of Emma Green taken at Caddo, Indian Ter-
ritory.

Ralls Bros

Muskogee, Indian Territory,
May 3, 1906.

7-R-111

Muskogee, Indian Territory, May 3, 1906.

Ralls Brothers,
Attorneys at Law,
Atoka, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 30, 1906, in which you state that you have been requested of Mr. W. F. Kirby of Texarkana, Arkansas to take up the application of Emma Green for enrollment as a citizen of the Choctaw Nation; you ask that additional time be allowed for the introduction of evidence and request to be furnished with a copy of the testimony in this case.

In reply to your letter you are advised that you will be allowed thirty days from this date in which to introduce such testimony as you desire to submit in support of the application of Emma Green for enrollment as an intermarried citizen of the Choctaw Nation, notice of the time of taking such testimony being first served upon Mansfield, McMurray & Cornish.

There is inclosed herewith copy of the testimony of Emma Green taken at Caddo, Indian Territory, together with receipt therefor which please sign and return to this office.

Respectfully,

EB 1-3

Commissioner,

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

-:0:-

Received from the Commissioner to the Five Civilized Tribes one copy of the testimony, taken June 29, 1906, in the matter of the application of Mama Green for enrollment as a citizen by blood of the Choctaw Nation.

R. H. Smith
J. H. Smith

Muskogee, Indian Territory,
July 18, 1906.

2 R. H.
7-111.

Muskogee, Indian Territory, July 18, 1906.

R. H. Cox,

Minden, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, in which you ask for a copy of the testimony in the matter of the application of Emma Green for enrollment as a citizen of the Choctaw Nation. You also ask that a copy of said testimony be furnished your attorneys, Ralls Bros., Atoka, Indian Territory.

In compliance with your request there is inclosed herewith copy of the testimony taken June 29, 1906, in the matter of the application of Emma Green for enrollment as a citizen by blood of the Choctaw Nation, together with a receipt therefore, which please sign and return to this office.

You are advised that this office has only one copy of the testimony for applicants and their attorneys, and it is, therefore, impracticable to comply with your request that copy thereof be furnished you and also your attorneys.

Respectfully,

Commissioner.

Doc. 1-12.

7-R-111

Muskogee, Indian Territory, August 17, 1905.

Balls Brothers,
Attorneys at Law,
Atoka, Indian Territory.

Dear Sirs:-

Receipt is hereby acknowledged of your letter of July 25, 1905, enclosing petition for appeal in Choctaw enrollment case of Emma Green, and you are advised that the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

7-B-111

Muskogee, Indian Territory, August 17, 1906.

R. H. Cox,
Box 34,
Tioga, Louisiana.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 4, 1906, in which you insist upon the return of the affidavits to the death of Emma Green which were presented by you at the time of the hearing in the Choctaw enrollment case of Emma Green.

I have to advise you that on July 18, 1906, the original affidavit of P. L. Green to the death of Emma Green, October 31, 1902, was transmitted to the Secretary of the Interior as part of the record in said case, together with the decision of the Commissioner to the Five Civilized Tribes of the same date denying said application.

Respectfully,

Commissioner.

7-R-111

Muskogee, Indian Territory, August 24, 1906.

R. H. Cox,

Box 64,

Troga, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 17, 1906, in which you again insist upon the return of the affidavits to the death of Emma Green.

As you have been heretofore advised these affidavits was filed with the record in this case and the original thereof was forwarded the Secretary of the Interior with the decision of July 18, 1906 denying this application.

Respectfully,

Acting Commissioner.

J. C. W.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON.

D. C. 9314-1907.
I.T.D. 58-1907.

February 14, 1907.

L. R. S.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

July 18, 1906, you transmitted the record in the matter of the application of Emma Green for enrollment as a citizen by blood of the Choctaw Nation, together with your decision of same date, adverse to the applicant.

Reporting January 3, 1907 (Land 71819-1906), the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 5 to Ind. Of.

A. Y. Mc.

2-15-07

926/425.

Copy.

DEPARTMENT OF THE INTERIOR,

LAND:
62148-1906.
71819-1906.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 18, 1906, transmitting the record relative to the application of Emma Green for enrollment as a citizen of the Choctaw Nation.

In August, 1899, Emma Green applied to the Commission to the Five Civilized Tribes, at Caddo, Indian Territory, for enrollment as a citizen by blood.

On July 18, 1906, the Commissioner held that the applicant was not entitled to such enrollment.

The evidence shows that the applicant is the daughter of Lycourges Pitchlyn, a citizen by blood of the Choctaw Nation, and Mary Williams, identified at No. 977 on a list prepared by the Commission under the provisions of the Act of July 1, 1902, (32 Stat.L., 841), of persons entitled to enrollment as citizens by intermarriage of the Choctaw Nation and approved by the Department on September 22, 1904.

The Commissioner reports that the applicant is identified at No. 4908 on the 1896 Choctaw Census Roll, Blue County, and

that opposite her name appears the notation. "Enrollment refused".

The evidence further shows that the applicant was born in the Choctaw Nation in Eagle County and lived there until about 1890, at which time she married and moved to the state of Arkansas where she resided continuously for a period of about ten years, after which time she came back to the Choctaw Nation and resided there for a time and then returned to and resided in the State of Arkansas.

A death affidavit, with the record, shows that the applicant, Emma Green, died on October 31, 1902, in the state of Arkansas. A petition, together with the appeal, was filed by Ellis brothers, attorneys for the applicant, on August 17, 1906, and has been received and considered.

The evidence establishes the fact that the applicant intended to become and did become a citizen of the state of Arkansas after her removal to that state in 1890, and that her subsequent visits to the Choctaw Nation were merely of a temporary character.

As the applicant was not a resident in good faith of the Choctaw Nation on June 28, 1898, the decision of the commissioner adverse to her is recommended for approval, in view of section 21 of the Act of June 28, 1896 (30 stat.L., 496).

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

7-R-111

Muskegee, Indian Territory, March 18, 1907.

Thomas W. Green,

Shawneetown, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 18, 1907, asking how to have Emma Green enrolled as a citizen by blood of the Choctaw Nation.

In reply to your letter you are advised that on July 18, 1906 a decision was rendered by the Commissioner to the Five Civilized Tribes denying the application for the enrollment of Emma Green as a citizen of the Choctaw Nation and on February 14, 1907 this action was approved by the Secretary of the Interior. This case is therefore considered closed.

Respectfully,

Commissioner.

U. S. Registered Mails given by post office in the world. Provide for safe transmission and direct delivery.

Letters and parcels may be registered at any post office or at any post-office station.

Letters will be registered by letter carriers in the residential districts of cities. Letters and parcels will be registered by rural carriers throughout their routes.

For letters and parcels delivered through a U. S. post office, the sender, without request and without charge, receives the addressee's acknowledgment, and when delivered through a post office of a foreign country, if the words "Receipts Demanded" be indorsed on the address side of the letter or parcel.

U. S. P. O. Registry Receipt.

Letter Parcel No. 670 P. O., Atoka I. T. 6/15, 1906, from
Received for registration
G. T. Ralls
addressed to Messrs Mansfield Mc
Murray & Cornish & Mc Alester I. T.
/ class postage prepaid. Postmaster, per E. B.

G. T. Ralls having been by me first duly sworn according to law, states on his oath that he is one of the attorneys for the above named applicants and that on the 15th day of June, 1906, he enclosed in an envelope, a true and correct copy of the above and foregoing notice and sealed said envelope and addressed the same to Mansfield, Mc. Murray & Cornish, Attorneys-at-Law, Sputh McAlester, Indian Territory and caused the same to be registered by the Postmaster at Atoka, Indian Territory, taking therefor a registry receipt and the same is hereto attached.

G. T. Ralls

Subscribed and sworn to before me this the 15th day of June 1906.

N. B. Moorman
Notary Public.

My Commission expires the 5th day of July, 1909.

Atoka, Ind. Ter. June 15th, 1906.

Messrs. Mansfield, Mc.Murray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory,

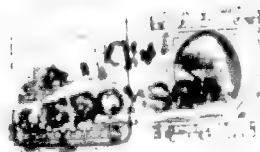
Dear Sirs:

You are hereby notified that at 8:30 o'clock, A. M. on the 19th day of June, 1906, the children of Mrs. Emma Green will have witnesses before the Commission at Muskogee and certain children of the said Emma Green will be present to testify in behalf of the applicants.

Rolls Brothers

Attorneys for Applicants.

W. C. C. L. A. D. T. E. R.



Department of the Interior.

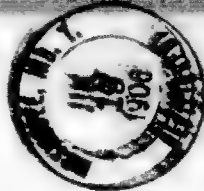
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.



2d notice
7/22/06

20227
657
154



Peter L. Green,

Indian Territory.

Muskogee

1886





REFER IN REPLY TO THE FOLLOWING:

7-R-111

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 18, 1906.

Peter L. Green,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 18, 1906, rendered his decision denying the application for the enrollment of Emma Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 7-R-111.

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

20218
653
Enclosed



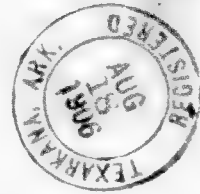
Bert Green,
Texarkana, Arkans.

Thurs. Aug. 10, 1906.

Second Notice.
34
11

530

1770



7-11-11
Returned to Writer.

DEPARTMENT OF THE INTERIOR.
Assistant to the Five Civilized Tribes.

FILED

AUG 21 1906

Commissioner.



REFER IN REPLY TO THE FOLLOWING:

7-R-111

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 18, 1906.

Bert Green,

Texarkana, Arkansas.

Dear Sir:

You are hereby notified that the Commissioner to the Five Civilized Tribes, on July 18, 1906, rendered his decision denying the application for the enrollment of ~~Ema~~ Green as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

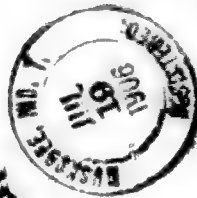
Commissioner.

Registered.

Incl. 7-R-111.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

20219.



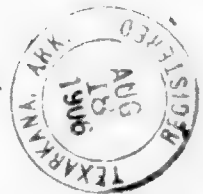
1769

Unclaimed.
Unclaimed.
Frank Green.

Texarkana, Arkansas

531

Second Notice.



Third Notice.

Return to Writer.

117-46

DEPARTMENT OF THE INTERIOR.
Commissioner to the Free Certified Trees.

FILED

AUG 21 1906

[Handwritten signature]

Commissioner



REFER IN COPY TO THE FOLLOWING:

7-B-111

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 18, 1906.

Frank Green,
Texarkana, Arkansas.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered July 18, 1906, denying the application of Emma Green for enrollment as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Registered.

Incl. 7-B-111.

CHOCTAW

Co 112

Mary J. Hagewood,

GRANTED.

and transferred to CHOCTAW
Land No. 5962, Oct. 21, 1905

Choc R113

Jane Cobb Harrison

R113

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a petition filed with this office June 25, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude E. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison and Henry Jordan Cobb, entitled "Motion to Reopen" and wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered and that they be permitted to adduce additional evidence in their behalf and that upon final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

The persons on whose behalf this petition is submitted and who were then living, were applicants to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321).

The applicants were denied by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and on appeal to the United States Court for the Southern

District of the Indian Territory, were admitted to citizenship in the Choctaw Nation by a judgment of said court rendered January 18, 1898. This judgment was subsequently vacated, set aside and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

The case was subsequently certified to the Citizenship Court for a trial de novo and was docketed under the title of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No. 33)."

A decree was rendered by the Citizenship Court in the case of W. F. Cobb, et al., December 5, 1904, adverse to the applicants. Certified copies of the decree and opinion of the Citizenship Court in this case have heretofore been furnished the Department.

The motion to reopen herewith transmitted is in the nature of an appeal from the decision of the Citizenship Court or a motion for a review of the action of said court by the Department.

No Petition has been filed with this office by or on behalf of the parties named in the motion alleging that they were ever recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to the date of the submission of their petition to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, (29 Stats., 321), nor does it appear from the records of the Choctaw Nation in the possession of this office that they were ever so recognized, nor have they ever applied for identification as Mississippi Choctaws.

The decrees of the Citizenship Court having been held by the Department to be final as to the persons over whom said court properly acquired jurisdiction, I can see no relief for the petitioners and have accordingly to recommend that the petition or motion herewith transmitted be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

WLM 7/1

B E F O R E

THE DEPARTMENT OF THE INTERIOR

The Commissioner To The Five Civilized Tribes.

-----o-----

In the matter of the application of James G. Harrison, and others, for identification and enrollment as Mississippi Choctaws and citizens of the Choctaw Nation.

MOTION TO REOPEN

Come now Sarah Jane Harrison (nee Cobb), James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison, and Henry Jordan Cobb, and state:

That all the petitioners herein are lineal descendants of Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian duly and fully identified as such by the records of the Choctaw Nation and of the United States; and that your petitioners have been bona fide residents of the Choctaw Nation since the year 1896.

That your petitioners herein duly filed their application for identification and enrollment as citizens of the Choctaw Nation with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and were denied. That in apt time your petitioners appealed from said decision to the United States Court for the Southern District of the Indian Territory, where upon final hearing a judgment was rendered admitting your petitioners. That thereafter said judgment was declared null and void by a judgment of the Choctaw-Chickasaw Citizenship Court, and said Choctaw-Chickasaw Citizenship Court in the case of W. F. Cobb, et al, vs. Choctaw and Chickasaw Nations, No. 33 on what was

styled the "Tishomingo Docket", rendered an alleged judgment denying your petitioners.

That every judgment above mentioned purporting to deny your petitioners the right to participate in the distribution of the property of the Choctaw and Chickasaw Nations was erroneous; (1) upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; (2) for the reason that inasmuch as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they had a status already fixed by the law itself, of which they could not be lawfully deprived.

WHEREFORE, the premises considered, your petitioners herein pray that their application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

Robert Crockett.

ATTORNEY FOR PETITIONERS.

INDIAN TERRITORY,
CENTRAL DISTRICT.

Joseph K. Harrison on his oath states that he is one of the petitioners above named; that he has read the foregoing motion; that he is familiar with the statements of fact therein contained, and that the same are true as he verily believes.

Joseph K. Harrison.

SUBSCRIBED AND SWORN TO before me on this the 23rd day of June, 1906.

S. H. Kyle,

NOTARY PUBLIC, CENTRAL DISTRICT/INDIAN TERR.

INDIAN TERRITORY,
CENTRAL DISTRICT.

ROBERT CROCKETT on his oath states that on the 24 day of June 1906, at Durant, Indian Territory, he mailed a registered letter addressed to Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, which contained a true and perfect copy of the foregoing motion to reopen and reconsider the application of the petitioners herein, the registry receipt of which is hereto attached.

Robt. Crockett,

SUBSCRIBED AND SWORN TO BEFORE me on this the 24 day of June 1906.

W. H. Richey,
NOTARY PUBLIC, CENTRAL DISTRICT
IND. TER.

Muskogee, Indian Territory, August 23, 1906.

Robert Crockett,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1906, enclosing motion to defer action in the matter of the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Washita, Indian Territory, August 7, 1906.

Robert Crockett,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, 1906, inclosing Motion to Reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On August 6, 1906, I transmitted, for the consideration of the Department, a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaw or citizens of the Choctaw Nation.

I now have the honor to transmit herewith motion, filed by Robert Crockett, attorney at law, of Durant, Indian Territory, to defer action in this case pending a determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

WLM.
Encl. 23/1

B E F O R E
THE DEPARTMENT OF THE INTERIOR

In the matter of the application
of James H. Harrison and others
for identification and enrollment as
Mississippi Choctaws and citizens
of the Choctaw Nation.

MOTION TO DEFER ACTION.

))))))o))))

Your petitioners herein, Sarah Jane Harrison (nee Cobb),
James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M.
Harrison, Ruby Harrison, Joseph E. Harrison, Major P. Harrison,
Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison,
and Henry Jordan Cobb, respectfully state:

That all your petitioners herein are lineal descendants of
Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw In-
dian duly and fully identified as such by the records of the
Choctaw Nation and of the United States; and that your petitioners
have been bona fide residents of the Choctaw Nation since the year
1895.

That your petitioners herein duly filed their application
for identification and enrollment as citizens of the Choctaw Na-
tion with the Commission to the Five Civilized Tribes under the Act
of Congress approved June 10, 1896, and were denied. That there-
after within the time allowed by law your petitioners appealed
from said decision to the United States Court for the Southern
District of the Indian Territory, where upon final hearing a judg-
ment was rendered admitting your petitioners. That thereafter
said judgment was declared null and void by an alleged judgment of
the Choctaw-Chickasaw Citizenship Court and said Choctaw-Chickasaw

Citizenship Court in a de novo trial of the case of W. P. Cobb, et al. vs. Choctaw and Chickasaw Nations, No. 33 on what was styled the "Tishomingo Docket", rendered an alleged judgment in which said court declared that the evidence adduced before it did not show that your petitioners are entitled to citizenship in the Choctaw Nation.

That on or about the 23rd day of June, 1906, your petitioners filed with the Commissioner to the Five Civilized Tribes a motion to reopen and reconsider their said application for identification and enrollment as citizens of the Choctaw Nation, in which they alleged:

That every judgment heretofore rendered purporting to deny your petitioners the right to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations was erroneous:

1. Upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; and

2. For the reason, that in as much as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they are legally and technically Mississippi Choctaws, and they had a status already fixed by the law itself, of which they could not be lawfully deprived.

And your petitioners prayed that their said application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

That on August 7, 1906, the Acting Commissioner to the Five Civilized Tribes notified the petitioners herein through their attorney that their motion to reopen and reconsider above referred to had been received on June 26, 1906, and that "the same has this day (August 7, 1906) been transmitted to the Secretary of the

Interior for consideration in connection with this case".

Your petitioners further state that there is now pending before the Department for adjudication the application of Samuel B. Gee, et al, for identification as Mississippi Choctaws, M. C.R. 2277; that the applicants in that case are cousins of your petitioners, and claim in the same way and through the same ancestors as do your petitioners; which facts fully appear from the record in that case now in the possession of the Department, and also from the record in your petitioners' case now in the possession of the Commissioner to the Five Civilized Tribes; that if the applicants in the said case of Samuel B. Gee, et al, are identified and enrolled, since said applicants and your petitioners herein claim in the same manner and through the same ancestors, and are in fact descended from the same ancestors, then the identification of the applicants in the said Samuel B. Gee case will be tantamount to an adjudication of the status of your petitioners; the same will be equivalent to a finding by the Department that your petitioners are in fact Choctaw Indians and the descendants lineally of said Captain Samuel Cobb, and will be conclusive that the alleged judgments heretofore rendered purporting to deny your petitioners were erroneous as claimed in your petitioners' motion to reopen and reconsider their application; and your petitioners believe that they would be justly entitled under the law and in equity and justice to whatever rights and privileges as Choctaws that the applicants in said Gee case may be adjudged to be entitled to.

Wherefore, the premises considered, your petitioners pray that action by the Department upon your petitioners' motion to reopen and reconsider their said application be deferred pending the

Robt. Crockett,
Attorney for petitioners

Indian Territory,
Central District.

Robert Creeksett on his oath says that on the 5th day of August 1906, he mailed at the post office at Durant, Indian Territory, a registered letter addressed to Mansfield, McHarray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, which contained a true and correct copy of the above and foregoing motion, the registry receipt of which is hereto attached.

Robt. Crockett,

Subscribed and sworn to before me on this the 3th day of August
1906.

Notary Public, Central District, Ind. Ter.

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

FHE.

D.C. 8760-1907.

I.T.D 21046-1906.

LRS

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion on behalf of Sarah Jane Harrison, et al., praying that the application of the petitioners for enrolment as citizens of the Choctaw Nation be reopened, received with your letter of August 6, 1906, is denied, as recommended by you and the Indian Office in its letter of October 17, 1906 (Land 74171-06), which also submitted your letter of November 24, 1906, relative to the application of James G. Harrison, et al., for enrollment as Mississippi Choctaws.

Even if the petition made out a prima facie case for investigation, the Department, in view of the provision in section 2 of the act of April 26, 1906 (34 Stat., 137), relative to final rolls of the Five Civilized Tribes, would not be warranted in ordering a rehearing in this matter.

A copy of the Indian Office letter, in which it recommended that the petition be denied, is inclosed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

1 inc. and 5 for Ind. Of.

First Assistant Secretary.

A77c

2-13-07

(C O P Y

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
69334-1906.
74171-1906.

October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of August 6, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who transmits a petition filed in his office on June 26, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G., Mary J., Elmer, Claude M., Ruby, Joseph K., Major P., Edgar G., Henry Hubbard and Thomas J. Harrison, and Henry Jordan Cobb, entitled "Motion to Reopen" wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered, that they be permitted to adduce additional evidence in their behalf, and that on final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation. The Commissioner says that the persons on whose behalf the petition is submitted and who were then living were applicants to the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

He reports that the applicants were denied by the Commission under the act of June 10, 1896, and that on appeal to the United States Court for the Southern District of the Indian Territory, the applicants were admitted to citizenship in the Choctaw Nation by a judgment of the court rendered on January 18, 1898, but that this judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

He further says that the case was subsequently certified to the citizenship court for a trial de novo and was docketed under the title of

W.F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No.33);

that a decree was rendered by the citizenship court in the case on December 5, 1904, adverse to the applicants, and that certified copies of the decree and opinion of the court in the case have heretofore been furnished the Department.

Mr. Bixby says he is of opinion that the motion to reopen now transmitted is in the nature of an appeal from the decision of the citizenship court, or a motion for a review of the action of that court by the Department.

He asserts that no petition has been filed in his office by or on behalf of the parties named in the motion alleging that they were recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to

the date of the submission of their petition to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1895, nor does it appear from the records of the Choctaw Nation that are in his office that they were ever so recognized nor have they ever applied for identification as Mississippi Choctaws.

He adds that the decrees of the citizenship court having been held by the Department to be final as to the persons over whom the court properly acquired jurisdiction, he can see no relief for the petitioners and accordingly recommends that the petition or motion which he transmits be denied.

I also have the honor to invite your attention to the enclosed letter of August 24, 1906, from William O. Beall, Acting Commissioner to the Five Civilized Tribes, who says that on August 6, 1906, there was transmitted for the consideration of the Department a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws or citizens of the Choctaw Nation, and he transmits a motion filed by Robert Crockett, attorney at law of Durant, Indian Territory, asking that action in this case be deferred pending the determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EEH-Y.

7-R 728
To be filed with
7 R 113-114

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Jane C. Harrison and children as Choctaws .
James G. Harrison, being sworn and examined by Com'r. McKennon, states:

- Q What is your name? A James G. Harrison.
Q How old are you? 29
Q Where have you been living, -and these persons whom you have enrolled here? A We lived in Mississippi until we moved here; I came here in August 1896.
Q Did you move here then? A Yes sir.
Q Did you go back there? A No sir.
Q Have you been here ever since? A Yes sir, -I have visited around.
Q Where did you go? A To Texas.
Q How long did you stay there? A A couple or three weeks, visiting relatives.
Q You returned here again? A Yes sir.
Q Did you go away again? A No sir.
Q Where has your mother been living? A She was living in Mississippi.
Q When did she come here? A She moved here in January 1898; my father remained in Mississippi until February 1899.
Q Why did he remain there? A To wind up business.
Q Is he living? A Yes sir.
Q Is he in here? A No sir.
Q Your mother and brothers and sisters moved here? A Yes sir, they moved in January 1898.
Q Have they been here all the while ever since? A Yes sir.
Q Have 'nt lived anywhere else? A No sir.
Q Didn't go back? A No sir.
Q And didn't go to Texas? A No sir.
Q How far are your brothers and mother from here? A My mother and two of my brothers are sick; there is one of my brothers here, the one that is married.

(It is determined by Com'r McKennon to have each one of the children answer for himself.)

- Q Your mother has been here ever since January 1898?
A She didn't come here in person; they moved here.
Q She came here by proxy? A Yes sir, she came here herself and two minor children, in September, 1898.
Q And these two minor children? A Yes sir.
Q Then your statement that they came here in January 1898 is not true? A Well they moved things here.

Com'r. McKennon: They will not be enrolled.

- Q You came here in 1896? A Yes sir.
Q And you haven't been out of the Territory since that time, except three weeks in Texas? I want you to state whether you have been here all the while except that three weeks in Texas, since 1896?
A I have been through visiting out, in and out.
Q How much in and how much out? How long did you stay here when you came in 1896? A I staid here about eight months.
Q What time in 1896 did you come here? A August 1896.
Q And staid here eight months, where did you go to then?
A I went to Texas.
Q How long did you stay in Texas? A I was there a few days.
Q How many days? A Four or five days.

(Jane C. Harrison and children; James G. Harrison, witness. #2)

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay back in the Territory that time?

A I was here eight or ten months again.

Q Then where did you go to? A I made another trip to Texas.

Q How long did you stay there then? A I was there several days on each trip.

Q This second trip you went to Texas I am talking about? A I was there about a month and a half at one time; that was the second time.

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay in the Territory then, -how many days, months or years? A I staid, -it was several months.

Q How many months did you stay here? A I was here about three months then.

Q Then where did you go to? A Then I made another trip to Texas.

Q How long did you stay in Texas then? A I staid about three weeks that time.

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay here then? A I have been here ever since.

Q When was it you came here last? A That was in October 1898.

Q And you have been here ever since? A Yes sir.

Q When I asked you first You said you came here in 1896 and you hadn't been in Texas only about three weeks; that statement wasn't true was it? A I understood you to say had I made this my home.

Q Jane C. Harrison, and Edgar G. and Thomas J.; did your grown brothers and sisters come here when your mother and father did?

A No sir, they come here before.

Q What time? A Major P. came when I did in 1896.

Q When did the other ones come? A About April 1897.

Q What is his name? A Claude M. The others came when my mother did.

Q What are the names of those that came when your mother did?

A Edgar G. and Thomas J. and Joe K., they came when my mother did, in October.

Q What part of the things did they move here before they came here? A They moved some clothing, their clothing.

Q Can you tell why they sent their clothing here when they came nearly a year afterwards? A To make a move.

Q What kind of clothing did they send here? A Wearing apparel.

Q Can you tell what kind it was, who brought it? A I brought it.

Q In your valise? A Yes sir.

Q That is the stuff they moved here? A Yes sir.

Q And upon that you state that they moved here at that time?

A Yes sir.

Q How many articles of your mother's did you bring in your valise?

A I don't remember.

Q Did you bring any of her wearing apparel? A I don't remember whether there was any of hers or not.

Q You don't remember that you brought any of hers? A No sir, there was some of the others.

Q What did you bring of Edgar's? A Some clothing.

Q What was it? A Shirts of his.

Q What did you bring of Thomas J.'s? A I couldn't tell exactly.

Q Did you bring any of his? A I think I brought some shirts or something of the kind.

Q That is all you brought, and you brought that in your valise?

Why did you bring those shirts of those boys? A I had them with me and brought them along.

(Jane C. Harrison et al, James C. Harrison, witness. #5)

Q You said a while ago you did that to move? A They was to move at that time; I made arrangements for a place for them to move to.
Q And they didn't come? A No sir.

Com'r. McKennon: Your enrollment will be refused, until we take further evidence.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. D. Green.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

Harrison,

In the application of Mrs. Jane Cobb ^{Harrison,} for enrollment of herself and children as Choctaws; being sworn and examined by Com'r McKenmon she testifies:

Q What is your name? A Jane Cobb Harrison.

Q How old are you? A Fifty-six.

Q You came here from Mississippi? A Yes sir.

Q When? A The first day of last October.

Q These children come with you? A Yes sir.

Q You never had lived in the Territory before that? A No sir.

Q You nor these children had never lived here before that time? A No sir.

Q You came here in October 1896? A Yes sir.

Com'r McKenmon: The law required that you should be here before that time; as you were not here, you and these children were not here in the Choctaw Nation prior to June 28th 1896 your enrollment will be refused.

Q What are the names of your children? A Edgar G. Harrison, 18 years old; and Thomas J. Harrison, 15 years old.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Muskogee, Indian Territory, February 10, 1902.

J. O. Peel,

Attorney at Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you desire to be informed if certain persons by the name of Harrison, admitted to citizenship in the Choctaw Nation in the W. F. Cobb case, have been enrolled by the Commission as citizens of the Choctaw Nation.

Replying to your inquiry you are advised that the judgment of the United States court for the Central District of the Indian Territory, in the case of W. F. Cobb, et al. vs the Choctaw Nation, Choctaw citizenship case No. 140 upon the docket of the said court, among other persons admitted to citizenship in the Choctaw Nation, James Cobb Harrison, Jas. G. Harrison, Claud M. Harrison, Joe K. Harrison, Major P. Harrison, Edgar G. Harrison, Thos. J. Harrison and Minnie Kelley Harrison.

At Durant, Indian Territory, in September, 1899, Jane Cobb Harrison, 56 years of age, appeared before the Commission and made application for the enrollment of herself and her two minor children, Edgar G. and Thomas J. Harrison, as citizens of the

J O P 2

Chectaw Nation. At the same time Claude M. Harrison made application for enrollment as a citizen of the Chectaw Nation. Joe K. Harrison made application for such enrollment and James H. Harrison made application for such enrollment.

The Commissioner who heard these applications in the field, at that time refused the enrollment of these persons for the reason that they had not complied with that provision of the act of Congress of June 28, 1898, providing,

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The action taken at the time of the personal appearance of these applicants by the Commissioner in the field has not been confirmed by the Commission and if these parties are now desirous of submitting additional evidence in support of their applications relative to their residence in the Chectaw Nation, Indian Territory, they will be heard upon their personal appearance at the office of the Commission at Muskogee, Indian Territory.

In view of the possibility of some early date being fixed or agreed upon for the submission of the Chectaw rolls to the Secretary of the Interior for his approval, it is advisable that if it is their intention to submit further testimony in support of their applications, that they do so at as early a date as practicable.

Yours truly,

Lee Caroline + Co. XXXXX 728

Document written January 29, 1901.

B.G.

Chatham R 728 as to notes
open forwarded Department
April 6 1906
denied by Dept. FEB 14 1907

FOR DEPARTMENTAL ACTION
MAILED PARTIES HEREIN

APR 20 1907

choc R114 Claude M. Harrison

R114

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Claude M. Harrison for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Claude M. Harrison.

Q How old are you? A Twenty-six.

Q When did you come to the Territory? A The first time was in 1897, in April, I came from Texas.

Q How long had you been living in Texas? A I had been there about three months.

Q How long did you stay here when you came here that time?

A About eight months.

Q Then where did you go to? A I went to Louisiana.

Q How long did you remain in Louisiana? A A short time, several months, about six months, six or seven.

Q Where did you go to then? A I come back to the edge of Arkansas.

Q How long did you stay in Arkansas? A Until the 9th day of last August.

Q And you came to the Territory? A Yes sir.

Q Where did you go to then? A I went to Texas.

Q August of last year? A Yes sir.

Q How long did you stay in Texas? A About three weeks.

Q Where did you go to then? A I came to the Territory.

Q What time was that? A About the last of August 1898.

Q Have you been here ever since? A Yes sir.

Q Have't been out any more? A No sir.

Q That was your first residence here, was it last year? A Yes sir.

Q Have you got a family? A Yes sir, I have a wife. She didn't move here.

Q Where is she? A She is in Louisiana.

Claude M. Harrison #2)

Q She never has moved here? A No sir.

Q Com'r Needles: Have you any children? A I have one.

Q You never have moved here with your family? A I came here myself with the intention to move, and she refused to come.

Com'r McKeanon: You did not come here and settle within the tribe as required by law prior to June 28th 1898, and your enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the said Commission, that this transcript is a true and correct translation of my stenographic notes.

M. J. Green

(Copy)

Commission to the Five Civilized Tribes.

Durant, Indian Territory.

In the enrollment of Jane C. Harrison and children as Choctaws.

James G. Harrison, being sworn and examined by Com'r. McKennon, states:

- Q What is your name? A James G. Harrison.
Q How old are you? 29
Q Where have you been living,--and these persons whom you have enrolled here? A We lived in Mississippi until we moved here; I come here in August, 1896.
Q Did you move here then? A Yes sir.
Q Did you go back there? A No sir
Q Have you been here ever since? A Yes sir,--I have visited around.
Q Where did you go? A To Texas.
Q How long did you stay there? A A couple or three weeks, visiting relatives.
Q You returned here again? A Yes sir.
Q Did you go away again? A No sir.
Q Where has your mother been living? A She was living in Mississippi.
Q When did she come here? A She moved here in January 1898; my father remained in Mississippi until February 1899.
Q Why did he remain there? A To wind up business.
Q Is he living? A Yes sir.
Q Is he in here? A No sir.
Q Your mother and brothers and sisters moved here? A Yes sir; they moved here in January, 1898.
Q Have they ~~lived~~ been here all the while ever since? A Yes sir.
Q Haven't lived anywhere else? A No sir.
Q Didn't go back? A No sir.
Q And didn't go to Texas? A No sir.
Q How far are your brothers and mother from here? A My mother and two of my brothers are sick; there is one of my brothers here, the one that is married.

(It is determined by Com' r McKennon to have each one of the children answer for himself).

- Q Your mother has been here ever since January, 1898?
A She didn't come here in person; they moved here.
Q She came here by proxy? A Yes sir; she come here herself and two minor children, in September, 1898.
Q And these two minor children? A Yes sir.
Q Then your statement that they came here in January 1898 is not true? A Well they moved things here.

Com'r. McKennon: They will not be enrolled.

- Q You came here in 1896? A Yes sir.
Q And you haven't been out of the Territory since that time, except three weeks in Texas? I want you to state whether you have been here all the while except that three weeks in Texas, since 1896?
A I have been through visiting out, in and out.
Q How much in and how much out? How long did you stay here when you came in 1896? A I staid here about eight months.
Q What time in 1896 did you come here? A August, 1896.
Q And staid here eight months? where did you go then?
A I went to Texas.
Q How long did you stay in Texas? A I was there a few days.
Q How many days? A Four or five days.

(Jane C. Harrison and children; James G. Harrison, witness. #2.)

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay back in the Territory that time?

A I was here eight or ten months again.

Q Then where did you go to? A I made another trip to Texas.

Q How long did you stay there then? A I was there several days on each trip.

Q This second trip you went to Texas I am talking about? A I was there about a month and a half at one time; that was the second time.

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay in the Territory then, -how many days, months or years? A I staid, -it was several months.

Q How many months did you stay here? A I was here about three months then.

Q Then where did you go to? A Then I made another trip to Texas.

Q How long did you stay in Texas then? A I staid about three weeks at that time.

Q Where did you go to then? A I came back to the Territory.

Q How long did you stay here then? A I have been here ever since.

Q When was it you came here last? A That was in October, 1898.

Q And you have been here ever since? A Yes sir.

Q When I asked you first you said you came here in 1896 and you hadn't been in Texas only about three weeks; that statement wasn't true was it? A I understood you to say that had I made this my home.

Q Jane C. Harrison, and Edgar G. and Thomas J.; did your grown brothers and sisters come here when your mother and father did?

A No sir, they came here before.

Q What time? A Major P. came when I did in 1896.

Q When did the other ones come? A About April 1897.

Q What is his name? A Claude M. The others came when my mother did.

Q What are the names of those that came when your mother did?

A Edgar G. and Thomas J. and Joe K., they came when my mother did in October.

Q What part of the things did they move here before they came here? A They moved some clothing, their clothing, their clothing.

Q Can you tell why they sent their clothing here when they came nearly a year afterwards? A To make a move.

Q What kind of clothing did they send here? A Wearing apparel.

Q Can you tell what kind it was, who brought it? A I brought it.

Q In your valise? A Yes sir.

Q That is the stuff they moved here? A Yes sir.

Q And upon that you state that they moved here at that time?

A Yes sir.

Q How many articles of your mothers did you bring in that valise?

A I don't remember.

Q Did you bring any of her wearing apparel? A I don't remember whether there was any of hers or not.

Q You don't remember that you brought any of hers? A No sir. there was some of the others.

Q What did you bring of Edgars? A Some clothing.

Q What was it? ~~Shirts of his~~. A Shirts of his.

Q What did you bring of Thomas J.'s? A I couldn't tell exactly.

Q Did you bring any of his? A I think I brought some shirts or something of the kind.

Q That is all you brought and you brought that in your valise?

Why did you bring these shirts of those boys? A I had them with me and brought them along.

Jane C. Harrison, et al., James C. Harrison, witness. (3.)

Q You saw

Q You said a little while ago you did that to move? A They was to move at that time; I made arrangements for a place for them to move to.

Q And they didn't come? A No sir.

Com'r McKennon: Your enrollment will be refused, until we can take further evidence.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

I here by certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

(signed) M. D. Green.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a petition filed with this office June 25, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison and Henry Jordan Cobb, entitled "Motion to Reopen" and wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered and that they be permitted to adduce additional evidence in their behalf and that upon final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

The persons on whose behalf this petition is submitted and who were then living, were applicants to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321).

The applicants were denied by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and on appeal to the United States Court for the Southern

District of the Indian Territory, were admitted to citizenship in the Choctaw Nation by a judgment of said court rendered January 18, 1898. This judgment was subsequently vacated, set aside and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

The case was subsequently certified to the Citizenship Court for a trial de novo and was docketed under the title of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No. 33)."

A decree was rendered by the Citizenship Court in the case of W. F. Cobb, et al., December 5, 1904, adverse to the applicants. Certified copies of the decree and opinion of the Citizenship Court in this case have heretofore been furnished the Department.

The motion to reopen herewith transmitted is in the nature of an appeal from the decision of the Citizenship Court or a motion for a review of the action of said court by the Department.

No Petition has been filed with this office by or on behalf of the parties named in the motion alleging that they were ever recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to the date of the submission of their petition to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, (29 Stats., 321), nor does it appear from the records of the Choctaw Nation in the possession of this office that they were ever so recognized, nor have they ever applied for identification as Mississippi Choctaws.

The decrees of the Citizenship Court having been held by the Department to be final as to the persons over whom said court properly acquired jurisdiction, I can see no relief for the petitioners and have accordingly to recommend that the petition or motion herewith transmitted be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

WLM 7/1

B E F O R E

THE DEPARTMENT OF THE INTERIOR

The Commissioner To The Five Civilized Tribes.

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In the matter of the application of James G. Harrison, and others, for identification and enrollment as Mississippi Choctaws and citizens of the Choctaw Nation.

MOTION TO REOPEN

Come now Sarah Jane Harrison (nee Cobb), James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison, and Henry Jordan Cobb, and state:

That all the petitioners herein are lineal descendants of Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian duly and fully identified as such by the records of the Choctaw Nation and of the United States; and that your petitioners have been bona fide residents of the Choctaw Nation since the year 1896.

That your petitioners herein duly filed their application for identification and enrollment as citizens of the Choctaw Nation with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and were denied. That in apt time your petitioners appealed from said decision to the United States Court for the Southern District of the Indian Territory, where upon final hearing a judgment was rendered admitting your petitioners. That thereafter said judgment was declared null and void by a judgment of the Choctaw-Chickasaw Citizenship Court, and said Choctaw-Chickasaw Citizenship Court in the case of W. F. Cobb, et al, vs. Choctaw and Chickasaw Nations, No. 33 on what was

styled the "Tishomingo Docket", rendered an alleged judgment denying your petitioners.

That every judgment above mentioned purporting to deny your petitioners the right to participate in the distribution of the property of the Choctaw and Chickasaw Nations was erroneous; (1) upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; (2) for the reason that inasmuch as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they had a status already fixed by the law itself, of which they could not be lawfully deprived.

WHEREFORE, the premises considered, your petitioners herein pray that their application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

Robert Crockett,

ATTORNEY FOR PETITIONERS.

INDIAN TERRITORY,
CENTRAL DISTRICT.

Joseph K. Harrison on his oath states that he is one of the petitioners above named; that he has read the foregoing motion; that he is familiar with the statements of fact therein contained, and that the same are true as he verily believes.

Joseph K. Harrison.

SUBSCRIBED AND SWORN TO before me on this the 23rd day of June, 1906.

S. H. Kyle,

NOTARY PUBLIC, CENTRAL DIST/INDIAN TER.

INDIAN TERRITORY,
CENTRAL DISTRICT.

ROBERT CROCKETT on his oath states that on the 24 day of June 1906, at Durant, Indian Territory, he mailed a registered letter addressed to Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, which contained a true and perfect copy of the foregoing motion to reopen and reconsider the application of the petitioners herein, the registry receipt of which is hereto attached.

Robt. Crockett,

SUBSCRIBED AND SWORN TO BEFORE me on this the 24 day of June 1906.

W. H. Richey
NOTARY PUBLIC, CENTRAL DISTRICT
IND. TER.

Muskogee, Indian Territory, August 23, 1906.

Robert Crockett,

Attorney at Law,

Darant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1906, enclosing motion to defer action in the matter of the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 7, 1906.

Robert Crockett,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, 1906, inclosing Motion to Reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On August 6, 1906, I transmitted, for the consideration of the Department, a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws or citizens of the Choctaw Nation.

I now have the honor to transmit herewith motion, filed by Robert Crockett, attorney at law, of Durant, Indian Territory, to defer action in this case pending a determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

WLM.
Encl. 23/1

B E F O R E
THE DEPARTMENT OF THE INTERIOR

In the matter of the application
of James H. Harrison and others
for identification and enrollment as
Mississippi Choctaws and citizens
of the Choctaw Nation.

MOTION TO DEFER ACTION.

))))))O))))

Your petitioners herein, Sarah Jane Harrison (nee Cobb), James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison, and Henry Jordan Cobb, respectfully state:

That all your petitioners herein are lineal descendants of Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian duly and fully identified as such by the records of the Choctaw Nation and of the United States; and that your petitioners have been bona fide residents of the Choctaw Nation since the year 1895.

That your petitioners herein duly filed their application for identification and enrollment as citizens of the Choctaw Nation with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and were denied. That thereafter within the time allowed by law your petitioners appealed from said decision to the United States Court for the Southern District of the Indian Territory, where upon final hearing a judgment was rendered admitting your petitioners. That thereafter said judgment was declared null and void by an alleged judgment of the Choctaw-Chickasaw Citizenship Court and said Choctaw-Chickasaw

Citizenship Court in a de novo trial of the case of W. F. Cobb, et al. vs. Choctaw and Chickasaw Nations, No. 33 on what was styled the "Tishomingo Docket", rendered an alleged judgment in which said court declared that the evidence adduced before it did not show that your petitioners are entitled to citizenship in the Choctaw Nation.

That on or about the 23rd day of June, 1906, your petitioners filed with the Commissioner to the Five Civilized Tribes a motion to reopen and reconsider their said application for identification and enrollment as citizens of the Choctaw Nation, in which they alleged:

That every judgment heretofore rendered purporting to deny your petitioners the right to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations was erroneous:

1. Upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; and

2. For the reason, that in as much as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they are legally and technically Mississippi Choctaws, and they had a status already fixed by the law itself, of which they could not be lawfully deprived.

And your petitioners prayed that their said application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

That on August 7, 1906, the Acting Commissioner to the Five Civilized Tribes notified the petitioners herein through their attorney that their motion to reopen and reconsider above referred to had been received on June 24, 1906, and that the same has this day (August 7, 1906) been transmitted to the Secretary of the

Interior for consideration in connection with this case".

Your petitioners further state that there is now pending before the Department for adjudication the application of Samuel B. Gee, et al, for identification as Mississippi Choctaws, M. C.B. 2277; that the applicants in that case are cousins of your petitioners, and claim in the same way and through the same ancestors as do your petitioners; which facts fully appear from the record in that case now in the possession of the Department, and also from the record in your petitioners' case now in the possession of the Commissioner to the Five Civilized Tribes; that if the applicants in the said case of Samuel B. Gee, et al, are identified and enrolled, since said applicants and your petitioners herein claim in the same manner and through the same ancestors, and are in fact descended from the same ancestors, then the identification of the applicants in the said Samuel B. Gee case will be tantamount to an adjudication of the status of your petitioners; the same will be equivalent to a finding by the Department that your petitioners are in fact Choctaw Indians and the descendants lineally of said Captain Samuel Cobb, and will be conclusive that the alleged judgments heretofore rendered purporting to deny your petitioners were erroneous as claimed in your petitioners' motion to reopen and reconsider their application; and your petitioners believe that they would be justly entitled under the law and in equity and justice to whatever rights and privileges as Choctaws that the applicants in said Gee case may be adjudged to be entitled to.

Wherefore, the premises considered, your petitioners pray that action by the Department upon your petitioners' motion to reopen and reconsider their said application be deferred pending the

determination by the Department of the application aforesaid of
said Samuel B. Gee, et al, M. C. R. 2277.

Robt. Crockett,
Attorney for petitioners

Indian Territory,
Central District.

Robert Crockett on his oath says that on the 8th day of August 1906, he mailed at the post office at Durant, Indian Territory, a registered letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, which contained a true and correct copy of the above and foregoing motion, the registry receipt of which is hereto attached.

Robt. Crockett,

Subscribed and sworn to before me on this the 8th day of August
1906.

Notary Public, Central District, Ind. Ter.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

D.C. 8760-1907.
I.T.D 21046-1906.
LRS

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion on behalf of Sarah Jane Harrison, et al., praying that the application of the petitioners for enrolment as citizens of the Choctaw Nation be reopened, received with your letter of August 6, 1906, is denied, as recommended by you and the Indian Office in its letter of October 17, 1906 (Land 74171-06), which also submitted your letter of November 24, 1906, relative to the application of James G. Harrison, et al., for enrollment as Mississippi Choctaws.

Even if the petition made out a prima facie case for investigation, the Department, in view of the provision in section 2 of the act of April 26, 1906 (34 Stat., 137), relative to final rolls of the Five Civilized Tribes, would not be warranted in ordering a rehearing in this matter.

A copy of the Indian Office letter, in which it recommended that the petition be denied, is inclosed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary.

1 inc. and 5 for Ind. Of.

AFMc
2-12-07

(C O P Y 1

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land.
69334-1906.
74171-1906.

October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of August 6, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who transmits a petition filed in his office on June 25, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G., Mary J., Elmer, Claude M., Ruby, Joseph K., Major P., Edgar G., Henry Hubbard and Thomas J. Harrison, and Henry Jordan Cobb, entitled "Motion to Reopen" wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered, that they be permitted to adduce additional evidence in their behalf, and that on final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation. The Commissioner says that the persons on whose behalf the petition is submitted and who were then living were applicants to the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

He reports that the applicants were denied by the Commission under the act of June 10, 1896, and that on appeal to the United States Court for the Southern District of the Indian Territory, the applicants were admitted to citizenship in the Choctaw Nation by a judgment of the court rendered on January 18, 1898, but that this judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

He further says that the case was subsequently certified to the citizenship court for a trial de novo and was docketed under the title of

W.F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No.33);

that a decree was rendered by the citizenship court in the case on December 5, 1904, adverse to the applicants, and that certified copies of the decree and opinion of the court in the case have heretofore been furnished the Department.

Mr. Bixby says he is of opinion that the motion to reopen now transmitted is in the nature of an appeal from the decision of the citizenship court, or a motion for a review of the action of that court by the Department.

He asserts that no petition has been filed in his office by or on behalf of the parties named in the motion alleging that they were recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to

the date of the submission of their petition to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, nor does it appear from the records of the Choctaw Nation that are in his office that they were ever so recognized nor have they ever applied for identification as Mississippi Choctaws.

He adds that the decrees of the citizenship court having been held by the Department to be final as to the persons over whom the court properly acquired jurisdiction, he can see no relief for the petitioners and accordingly recommends that the petition or motion which he transmits be denied.

I also have the honor to invite your attention to the enclosed letter of August 24, 1906, from William O. Beall, Acting Commissioner to the Five Civilized Tribes, who says that on August 6, 1906, there was transmitted for the consideration of the Department a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws or citizens of the Choctaw Nation, and he transmits a motion filed by Robert Crockett, attorney at law of Durant, Indian Territory, asking that action in this case be deferred pending the determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Very respectfully,

C. F. Larrabee,

Acting Commissioner,

ERH-Y.

See Choctaw # A 39

Document written January 20, 1907

7 R 728 as to Motion
then forwarded Sept. 1906
then denied by Capt. FEB 1907

OFFICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN

APR 20 1907

Choc RIIS Joe K. Harrison

RIIS

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Joe K. Harrison as a Choctaw; being
sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A Joe K. Harrison.
Q How old are you? A Twenty-four.
Q Are you married? A No sir.
Q When did you come to the Territory first? A I came here the
first day of October with my mother in 1898.
Q Where from? A I came from Mississippi. I left Texas on
the 24th of December.
Q How long had you been living in Texas? A Three years.
Q You went back to Mississippi? A Yes sir.
Q And then came with your mother out here? A Yes sir.
Q Have you resided here ever since last October, 1898?
A Yes sir, never have been out of the Territory since.

Com'r McKennon: You having failed to establish your res-
idence in the Territory, Choctaw Nation, prior to June 28th
1898, your enrollment will be refused.

the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the above is a true and correct translation of
my stenographic notes.
McKennon

(Copy)

Commission to the Five Civilized Tribes.

Durant, Indian Territory.

In the enrollment of Jane C. Harrison and children as Cheetaws.

James C. Harrison, being sworn and examined by Com'r. McKennon, states:

- Q What is your name? A James C. Harrison.
Q How old are you? A 29.
Q Where have you been living,--and these persons whom you have enrolled here? A We lived in Mississippi until we moved here; I came here in August, 1896.
Q Did you move here then? A Yes sir.
Q Did you go back there? A No sir.
Q Have you been here ever since? A Yes sir,--I have visited around.
Q Where did you go? A To Texas.
Q How long did you stay there? A A couple or three weeks, visiting relatives.
Q You returned here again? A Yes sir.
Q Did you go away again? A No sir.
Q Where has your mother been living? A She was living in Mississippi.
Q When did she come here? A She moved here in January 1898; my father remained in Mississippi until February 1899.
Q Why did he remain there? A To wind up business.
Q Is he living? A Yes sir.
Q Is he in here? A No sir.
Q Your mother and brothers and sisters moved here? A Yes sir; they moved here in January, 1898.
Q Have they ~~staid~~ been here all the while ever since? A Yes sir.
Q Haven't lived anywhere else? A No sir.
Q Didn't go back? A No sir.
Q And didn't go to Texas? A No sir.
Q How far are your brothers and mother from here? A My mother and two of my brothers are sick; there is one of my brothers here, the one that is married.

(It is determined by Com'r McKennon to have each one of the children answer for himself).

- Q Your mother has been here ever since January, 1898?
A She didn't come here in person; they moved here.
Q She came here by proxy? A Yes sir, she came here herself and two minor children, in September, 1898.
Q And these two minor children? A Yes sir.
Q Then your statement that they came here in January 1898 is not true? A Well they moved things here.

Com'r. McKennon: They will not be enrolled.

- Q You came here in 1896? A Yes sir.
Q And you haven't been out of the Territory since that time, except three weeks in Texas? I want you to state whether you have been here all the while except that three weeks in Texas, since 1896?
A I have been through visiting out, in and out.
Q How much in and how much out? How long did you stay here when you came in 1896? A I staid here about eight months.
Q What time in 1896 did you come here? A August, 1896.
Q And staid here eight months? where did you go then?
A I went to Texas.
Q How long did you stay in Texas? A I was there a few days.
Q How many days? A Four or five days.

(Jane C. Harrison and children; James C. Harrison, witness. #2.)

Q Where did you go to then? A I came back to the Territory.
Q How long did you stay back in the Territory that time?
A I was here eight or ten months again.
Q Then where did you go to? A I made another trip to Texas.
Q How long did you stay there then? A I was there several days on each trip.
Q This second trip you went to Texas I am talking about? A I was there about a month and a half at one time; that was the second time.
Q Where did you go to then? A I came back to the Territory.
Q How long did you stay in the Territory then, -how many days, months or years? A I staid, -it was several months.
Q How many months did you stay here? A I was here about three months then.
Q Then where did you go to? A Then I made another trip to Texas.
Q How long did you stay in Texas then? A I staid about three weeks at that time.
Q Where did you go to then? A I came back to the Territory.
Q How long did you stay here then? A I have been here ever since.
Q When was it you came here last? A That was in October, 1898.
Q And you have been here ever since? A Yes sir.
Q When I asked you first you said you came here in 1896 and you hadn't been in Texas only about three weeks; that statement wasn't true was it? A I understood you to say that had I made this my home.
Q Jane C. Harrison, and Edgar G. and Thomas J.; did your grown brothers and sisters come here when your mother and father did?
A No sir, they came here before.
Q What time? A Major P. came when I did in 1896.
Q When did the other ones come? A About April 1897.
Q What is his name? A Claude M. The others came when my mother did.
Q What are the names of these that came when your mother did?
A Edgar G. and Thomas J. and Joe K., they came when my mother did. in October.
Q What part of the things did they move here before they came here? A They moved some clothing, their clothing, their clothing.
Q Can you tell why they sent their clothing here when they came nearly a year afterwards? A To make a move.
Q What kind of clothing did they send here? A Wearing apparel.
Q Can you tell what kind it was, who brought it? A I brought it.
Q In your valise? A Yes sir.
Q That is the stuff they moved here? A Yes sir.
Q And upon that you state that they moved here at that time?
A Yes sir.
Q How many articles of your mothers did you bring in that valise?
A I don't remember.
Q Did you bring any of her wearing apparel? A I don't remember whether there was any of hers or not.
Q You don't remember that you brought any of hers? A No sir. there was some of the others.
Q What did you bring of Edgars? A Some clothing.
Q What was it? ~~Something~~. A Shirts of his.
Q What did you bring of Thomas J.'s? A I couldn't tell exactly.
Q Did you bring any of his? A I think I brought some shirts or something of the kind.
Q That is all you brought and you brought that in your valise? Why did you bring these shirts of these boys? A I had them with me and brought them along.

James C. Harrison, et al., James C. Harrison, witness. (H.)

- Q You saw
Q You said a little while ago you did that to move? A They was to move
at that time. I made arrangements for a place for them to move to.
Q And they didn't come? A No sir.

Gen'l McKinnon: Your enrollment will be refused, until
we can take further evidence.

DEPARTMENT OF THE INTERIOR,
COMMISSION ON TO THE FIVE CIVILIZED TRIBES.

I here by certify, upon my official oath as stenogra-
pher to above named Commission, that this transcript is a true, full
and correct translation of my stenographic notes.

(signed) M. D. Green.

Muskogee, Indian Territory, August 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a petition filed with this office June 25, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison and Henry Jordan Cobb, entitled "Motion to Reopen" and wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered and that they be permitted to adduce additional evidence in their behalf and that upon final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

The persons on whose behalf this petition is submitted and who were then living, were applicants to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321).

The applicants were denied by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and on appeal to the United States Court for the Southern

District of the Indian Territory, were admitted to citizenship in the Choctaw Nation by a judgment of said court rendered January 18, 1898. This judgment was subsequently vacated, set aside and held for naught by the decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

The case was subsequently certified to the Citizenship Court for a trial de novo and was docketed under the title of W. F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No. 33)."

A decree was rendered by the Citizenship Court in the case of W. F. Cobb, et al., December 5, 1904, adverse to the applicants. Certified copies of the decree and opinion of the Citizenship Court in this case have heretofore been furnished the Department.

The motion to reopen herewith transmitted is in the nature of an appeal from the decision of the Citizenship Court or a motion for a review of the action of said court by the Department.

No Petition has been filed with this office by or on behalf of the parties named in the motion alleging that they were ever recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to the date of the submission of their petition to the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, (29 Stats., 321), nor does it appear from the records of the Choctaw Nation in the possession of this office that they were ever so recognized, nor have they ever applied for identification as Mississippi Choctaws.

-3-

The decrees of the Citizenship Court having been held by the Department to be final as to the persons over whom said court properly acquired jurisdiction, I can see no relief for the petitioners and have accordingly to recommend that the petition or motion herewith transmitted be denied.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

WLM 7/1

B E F O R E

THE DEPARTMENT OF THE INTERIOR

The Commissioner To The Five Civilized Tribes.

-----o-----

In the matter of the application of James G. Harrison, and others, for identification and enrollment as Mississippi Choctaws and citizens of the Choctaw Nation.

MOTION TO REOPEN

Come now Sarah Jane Harrison (nee Cobb), James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison, and Henry Jordan Cobb, and state:

That all the petitioners herein are lineal descendants of Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian duly and fully identified as such by the records of the Choctaw Nation and of the United States; and that your petitioners have been bona fide residents of the Choctaw Nation since the year 1896.

That your petitioners herein duly filed their application for identification and enrollment as citizens of the Choctaw Nation with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and were denied. That in apt time your petitioners appealed from said decision to the United States Court for the Southern District of the Indian Territory, where upon final hearing a judgment was rendered admitting your petitioners. That thereafter said judgment was declared null and void by a judgment of the Choctaw-Chickasaw Citizenship Court, and said Choctaw-Chickasaw Citizenship Court in the case of W. F. Cobb, et al, vs. Choctaw and Chickasaw Nations, No. 33 on what was

styled the "Tishomingo Docket", rendered an alleged judgment denying your petitioners.

That every judgment above mentioned purporting to deny your petitioners the right to participate in the distribution of the property of the Choctaw and Chickasaw Nations was erroneous; (1) upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; (2) for the reason that inasmuch as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they had a status already fixed by the law itself, of which they could not be lawfully deprived.

WHEREFORE, the premises considered, your petitioners herein pray that their application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

Robert Crockett.

ATTORNEY FOR PETITIONERS.

INDIAN TERRITORY,
CENTRAL DISTRICT.

Joseph K. Harrison on his oath states that he is one of the petitioners above named; that he has read the foregoing motion; that he is familiar with the statements of fact therein contained, and that the same are true as he verily believes.

Joseph K. Harrison.

SUBSCRIBED AND SWORN TO before me on this the 23rd day of June, 1906.

S. H. Kyle.

NOTARY PUBLIC, CENTRAL DISTRICT/INDIAN TERR.

INDIAN TERRITORY,
CENTRAL DISTRICT.

ROBERT CROCKETT on his oath states that on the 24 day of June 1906, at Durant, Indian Territory, he mailed a registered letter addressed to Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, which contained a true and perfect copy of the foregoing motion to reopen and reconsider the application of the petitioners herein, the registry receipt of which is hereto attached.

Robt. Crockett,

SUBSCRIBED AND SWORN TO BEFORE me on this the 24 day of June 1906.

W. H. Richey,
NOTARY PUBLIC, CENTRAL DISTRICT
IND. TER.

Muskogee, Indian Territory, August 7, 1906.

Robert Crockett,

Attorney at Law,

Devant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 24, 1906, inclosing Motion to Reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

Robert Crockett,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 8, 1906, enclosing motion to defer action in the matter of the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws and citizens of the Choctaw Nation, and the same has this day been transmitted to the Secretary of the Interior for consideration in connection with this case.

Respectfully,

Commissioner.

Muskogee, Indian Territory, August 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

On August 6, 1906, I transmitted, for the consideration of the Department, a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws or citizens of the Choctaw Nation.

I now have the honor to transmit herewith motion, filed by Robert Crockett, attorney at law, of Durant, Indian Territory, to defer action in this case pending a determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

WLM.
Encl. 23/1

B E F O R E
THE DEPARTMENT OF THE INTERIOR

In the matter of the application
of James H. Harrison and others
for identification and enrollment as
Mississippi Choctaws and citizens
of the Choctaw Nation.

MOTION TO DEFER ACTION.

))))))O))))

Your petitioners herein, Sarah Jane Harrison (nee Cobb), James G. Harrison, Mary Jane Harrison, Elmer Harrison, Claude M. Harrison, Ruby Harrison, Joseph K. Harrison, Major P. Harrison, Edgar G. Harrison, Henry Hubbard Harrison, Thomas J. Harrison, and Henry Jordan Cobb, respectfully state:

That all your petitioners herein are lineal descendants of Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian duly and fully identified as such by the records of the Choctaw Nation and of the United States; and that your petitioners have been bona fide residents of the Choctaw Nation since the year 1895.

That your petitioners herein duly filed their application for identification and enrollment as citizens of the Choctaw Nation with the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896, and were denied. That thereafter within the time allowed by law your petitioners appealed from said decision to the United States Court for the Southern District of the Indian Territory, where upon final hearing a judgment was rendered admitting your petitioners. That thereafter said judgment was declared null and void by an alleged judgment of the Choctaw-Chickasaw Citizenship Court and said Choctaw-Chickasaw

Citizenship Court in a de novo trial of the case of W. F. Cobb, et al. vs. Choctaw and Chickasaw Nations, No. 33 on what was styled the "Tishomingo Docket", rendered an alleged judgment in which said court declared that the evidence adduced before it did not show that your petitioners are entitled to citizenship in the Choctaw Nation.

That on or about the 23rd day of June, 1906, your petitioners filed with the Commissioner to the Five Civilized Tribes a motion to reopen and reconsider their said application for identification and enrollment as citizens of the Choctaw Nation, in which they alleged:

That every judgment heretofore rendered purporting to deny your petitioners the right to participate in the distribution of the tribal property of the Choctaw and Chickasaw Nations was erroneous:

1. Upon the merits of the action, for the reason that the evidence introduced in the various trials of said cause clearly shows that your petitioners are in fact lineal descendants of said Captain Samuel Cobb, a Fourteenth Article Mississippi Choctaw Indian fully identified as such; and

2. For the reason, that in as much as your petitioners claimed as Mississippi Choctaws, the matter to be decided with respect to them under the laws and treaties was merely one of identification, and not a matter of admission to citizenship or a denial thereof; because, if they are in fact descendants of the said Captain Samuel Cobb, then they are legally and technically Mississippi Choctaws, and they had a status already fixed by the law itself, of which they could not be lawfully deprived.

And your petitioners prayed that their said application be reopened and reconsidered; that they be permitted, if they see proper, to adduce additional evidence in their behalf; and that upon final hearing they be identified and enrolled as Mississippi Choctaws or citizens of the Choctaw Nation.

That on August 7, 1906, the Acting Commissioner to the Five Civilized Tribes notified the petitioners herein through their attorney that their motion to reopen and reconsider above referred to had been received on June 24, 1906, and that the same has this day (August 7, 1906) been transmitted to the Secretary of the

Interior for consideration in connection with this case".

Your petitioners further state that there is now pending before the Department for adjudication the application of Samuel B. Gee, et al, for identification as Mississippi Choctaws, M. C.R. 2277; that the applicants in that case are cousins of your petitioners, and claim in the same way and through the same ancestors as do your petitioners; which facts fully appear from the record in that case now in the possession of the Department, and also from the record in your petitioners' case now in the possession of the Commissioner to the Five Civilized Tribes; that if the applicants in the said case of Samuel B. Gee, et al, are identified and enrolled, since said applicants and your petitioners herein claim in the same manner and through the same ancestors, and are in fact descended from the same ancestors, then the identification of the applicants in the said Samuel B. Gee case will be tantamount to an adjudication of the status of your petitioners; the same will be equivalent to a finding by the Department that your petitioners are in fact Choctaw Indians and the descendants lineally of said Captain Samuel Cobb, and will be conclusive that the alleged judgments heretofore rendered purporting to deny your petitioners were erroneous as claimed in your petitioners' motion to reopen and reconsider their application; and your petitioners believe that they would be justly entitled under the law and in equity and justice to whatever rights and privileges as Choctaws that the applicants in said Gee case may be adjudged to be entitled to.

Wherefore, the premises considered, your petitioners pray that action by the Department upon your petitioners' motion to reopen and reconsider their said application be deferred pending the

determination by the Department of the application aforesaid of
said Samuel B. Gee, et al, M. C. R. 2277.

Robt. Crockett,
Attorney for petitioners

Indian Territory,
Central District.

Robert Crockett on his oath says that on the 8th day of August 1906, he mailed at the post office at Durant, Indian Territory, a registered letter addressed to Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, which contained a true and correct copy of the above and foregoing motion, the registry receipt of which is hereto attached.

Robt. Crockett,

Subscribed and sworn to before me on this the 8th day of August
1906.

Notary Public, Central District, Ind. Ter.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

THE.

D.C. 8760-1907.
I.T.D 21046-1906.
LRS

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The motion on behalf of Sarah Jane Harrison, et al., praying that the application of the petitioners for enrolment as citizens of the Choctaw Nation be reopened, received with your letter of August 6, 1906, is denied, as recommended by you and the Indian Office in its letter of October 17, 1906 (Land 74171-06), which also submitted your letter of November 24, 1906, relative to the application of James G. Harrison, et al., for enrollment as Mississippi Choctaws.

Even if the petition made out a prima facie case for investigation, the Department, in view of the provision in section 2 of the act of April 26, 1906 (34 Stat., 137), relative to final rolls of the Five Civilized Tribes, would not be warranted in ordering a rehearing in this matter.

A copy of the Indian Office letter, in which it recommended that the petition be denied, is inclosed. The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos Ryan

First Assistant Secretary.

1 inc. and 5 for Ind. Of.

AFM
1-11-07

(C O P Y

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
69334-1906.
74171-1906.

October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of August 6, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who transmits a petition filed in his office on June 25, 1906, on behalf of Sarah Jane Harrison, nee Cobb, James G., Mary J., Elmer, Claude M., Ruby, Joseph K., Major P., Edgar G., Henry Hubbard and Thomas J. Harrison, and Henry Jordan Cobb, entitled "Motion to Reopen" wherein it is prayed that the application of the petitioners for enrollment as citizens of the Choctaw Nation be reopened and reconsidered, that they be permitted to adduce additional evidence in their behalf, and that on final hearing they be enrolled as Mississippi Choctaws or citizens of the Choctaw Nation. The Commissioner says that the persons on whose behalf the petition is submitted and who were then living were applicants to the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

He reports that the applicants were denied by the Commission under the act of June 10, 1896, and that on appeal to the United States Court for the Southern District of the Indian Territory, the applicants were admitted to citizenship in the Choctaw Nation by a judgment of the court rendered on January 18, 1898; but that this judgment was subsequently vacated, set aside and held for naught by a decree of the Choctaw and Chickasaw Citizenship Court on December 17, 1902.

He further says that the case was subsequently certified to the citizenship court for a trial de novo and was docketed under the title of

W.F. Cobb, et al., vs. the Choctaw and Chickasaw Nations (Choctaw and Chickasaw Citizenship Court, Tishomingo case No.33);

that a decree was rendered by the citizenship court in the case on December 5, 1904, adverse to the applicants, and that certified copies of the decree and opinion of the court in the case have heretofore been furnished the Department.

Mr. Bixby says he is of opinion that the motion to reopen now transmitted is in the nature of an appeal from the decision of the citizenship court, or a motion for a review of the action of that court by the Department.

He asserts that no petition has been filed in his office by or on behalf of the parties named in the motion alleging that they were recognized by the tribal authorities of the Choctaw Nation as citizens of that tribe prior to

the date of the submission of their petition to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896, nor does it appear from the records of the Choctaw Nation that are in his office that they were ever so recognized nor have they ever applied for identification as Mississippi Choctaws.

He adds that the decrees of the citizenship court having been held by the Department to be final as to the persons over whom the court properly acquired jurisdiction, he can see no relief for the petitioners and accordingly recommends that the petition or motion which he transmits be denied.

I also have the honor to invite your attention to the enclosed letter of August 24, 1906, from William O. Beall, Acting Commissioner to the Five Civilized Tribes, who says that on August 6, 1906, there was transmitted for the consideration of the Department a motion to reopen the application of James G. Harrison, et al. for enrollment as Mississippi Choctaws or citizens of the Choctaw Nation, and he transmits a motion filed by Robert Crockett, attorney at law of Durant, Indian Territory, asking that action in this case be deferred pending the determination by the Department of the Mississippi Choctaw case of Samuel B. Gee.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KHH-Y.

Joe H. Hammer
vs.
Choctaw Nation

See Motion for Judgment

Judgment written January 20, 1907.
B-5

see 42 725 in Motion to
reopen for a second time Aug 1907
Motion for Judgment

FEB 12 1907

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.

APR 20 1907

CHOCTAW.

R. 116

Eusie Hamilton

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. * 4159.

CHOCTAW.

R. 117

Thomas H. Hawkins

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R. # 388

CHOCTAW.

R. 118

Dandy Hamilton.

*Record transferred to
Choctaw Card # 4588.*

Choc R119 Ben Hamilton

R119

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Ben Hamilton for enrollment as a n inter-
married Choctaw; being sworn and examined by Com'r McKennon he
testifies as follows:

- Q What is your name? A Ben Hamilton.
Q How old are you? A Twenty-eight.
Q You claim as an intermarried Choctaw citizen? A Yes sir.
Q Your wife has never been enrolled as a Choctaw citizen?
A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify upon my official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. Deane

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ben Hamilton for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the records of this case and the evidence submitted that the applicant, Ben Hamilton, appeared before the Commission at South McAlester, Indian Territory, at its session thereat, beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of

the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 495).

It also appears from the testimony that the applicant for whom application is made as an intermarried citizen of the Choctaw Nation, has never been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of the Choctaw Nation.

The act of Congress of June 28, 1898, (30 Stats., 498), in a portion of the twenty-first section provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Mikaskee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

It is, therefore, the opinion of this Commission that the applicant, Ben Hamilton is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian

-3-
Territory, and that his application therefor, should be refused,
and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman

Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 12 1902

COPY.

Chester N-119.

Huskogee, Indian Territory, May 12, 1902.

Ben Hamilton,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chester Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED). *Tams Kirby*.

Acting Chairman.

1 enclosure.
Chester N-119.
Registered.

Chester B-119.

COPY.

Muskogee, Indian Territory, May 12, 1903.

Hansfield, Hetherway & Cornish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Ben Hamilton as a citizen of the Chester Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tanis Darby

Acting Chairman.

1 enclosure.
Chester B-119.

COPY.

Waskoges, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Ben Hamilton for enrollment as a citizen of the Cheetaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Ben Hamilton as a citizen of said Nation.

Respectfully,

(SIGNED)

James H. H. H.

Acting Chairman.

1 enclosure,
Cheetaw B-119.

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR/
Office of Indian Affairs.

Land
29240-1902 }

Washington, May 26, 02

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, for Departmental consideration, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Ben Hamilton for enrollment as an intermarried Choctaw.

The application was rejected by the Commission.

It appears from the record and testimony that neither the applicant nor his wife, through whom he claims right to enrollment, have ever been admitted, enrolled or recognized as citizens of the Choctaw Nation.

The applicant makes no claim as a Mississippi Choctaw.

It is the opinion of this office that the Commission had no authority, under the provisions of the Act of Congress, approved May 31, 1900, to enroll this applicant.

I therefore respectfully recommend that the decision of the Commission refusing enrollment be approved.

Very respectfully,

Your obedient servant.

A. C. TOMMER,

Acting Commissioner.

(11-4-02)

D.C. 10112-1902

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 5325-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Ben Hamilton as a citizen by intermarriage of the Choctaw Nation. You refused the application because applicant has never been married to a recognized and enrolled Choctaw citizen, and he has never been enrolled or admitted to Choctaw citizenship. A copy of the Acting Commissioner's letter of May 28, 1902, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

Choctaw B 118

Waskagee, Indian Territory, June 27, 1902.

Ben Hamilton,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Neelie.

Commissioner in Charge.

COPY

Chester R 118

Muskogee, Indian Territory, June 27, 1908.

Mansfield, McKurray & Cornish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of June 12, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by Ben Hamilton for the enrollment of himself as a citizen of the Chester Nation.

Yours truly,

J. E. Hodges

Commissioner in Charge

CHOCTAW

In the matter of the application of
Ben Hamilton for enrollment as a citizen
by intermarriage of the Choctaw Nation.

REFUSED MAY 12 1902.

COPY OF DECISION FORWARDED
APPLICANT MAY 31 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW NATION
MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 12 1902

NOTICE OF DEPARTMENTAL ACTION
ACTION MAILED APPLICANT. JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW NATION
AND CHOCTAW NATION. JUN 27 1902

Choc R120

James T. Harris

R120

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of James T. Harris for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A James T. Harris.

Q How old are you? A Forty-six.

Q Have ever you been on the Choctaw rolls? A No sir, I never
have.

Q Has your father and mother ever been on the Choctaw rolls
here in the Choctaw Nation? A No sir, not that I know of.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

COMMISSIONERS
HENRY L. DAWES
TAMM BIRDY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R 120

ALLISON J. AYLESWORTH
CHIEF CLERK

Muskogee, Indian Territory, June 21, 1902.

James T. Harris,

South McAlester, Indian Territory.

Dear Sir:

It appears from our records that you are an applicant to the Commission for enrollment as a citizen of the Choctaw Nation but that you have never been recognized and enrolled by the Choctaw tribal authorities or admitted to citizenship in the Choctaw Nation by a duly constituted court or committee of the Choctaw Nation, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, nor does the record in any manner tend to show that you claim a right to identification as a Mississippi Choctaw under the following provision of the act of Congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

If you claim any right to identification as a Mississippi Choctaw under the provision of law above quoted and the fourteenth article of the treaty of 1830 between the United States and the

J T H 2

Choctaw Nation, the Commission has to advise that you will be permitted thirty days from the date hereof within which to submit an affidavit setting forth such fact and also the name of your Choctaw ancestor who resided in the old Choctaw Nation in Mississippi or Alabama in 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830 between the United States and the Choctaw Nation.

You will also within the thirty days' time designated herein, be permitted to introduce such other evidence as you may desire in support of such rights if any you may have under the provisions of the fourteenth article of the Choctaw treaty of 1830 above referred to.

Yours truly,

A handwritten signature in dark ink, appearing to be "J. T. H.", written over a horizontal line.

Commissioner in Charge.

Register

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
James T. Harris as a citizen of the Choctaw Nation.

- D E C I S I O N -

It appears from the census card records of the Commission and the record in this case that James T. Harris appeared before the Commission at South McAlester, Indian Territory, at a session beginning September 4 and ending September 13, 1899, and made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls in the possession of the Commission that the said James T. Harris has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to citizenship in the Choctaw Nation by the duly constituted authorities thereof.

It further appears from the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896 (29 Stats., 321); nor does it appear that he has ever been married according to the laws, customs and usages of the Choctaw Nation, to a duly recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant herein might have as a Mississippi Choctaw under the following provision of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), viz:


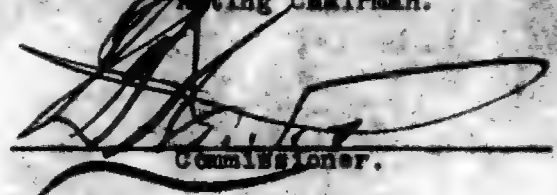
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was on June 21, 1902, notified, by registered mail, that he would be allowed thirty days from that date within which to set forth that he claimed the right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response to said notice has been made by or on behalf of the applicant.

James T. Harris-3

It is, therefore, the opinion of this Commission that the application for the enrollment of James T. Harris as a citizen of the Choctaw Nation should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

FEB 25 1903

COPY.

Choctaw R. 120

Muskogee, Indian Territory, February 25, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of James T. Harris as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Enc. No. 4

COPY.

Muskogee, Indian Territory, February 25, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by James T. Harris for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated February 25, 1903, denying said application.

Respectfully,

(SIGNED)

James Dixby.

Chairman.

2 inclosures: Choctaw R. 120

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

WOP
VHE

WASHINGTON, December 15, 1903.

D.O. 34935-1903.
IYD 3745-1903.

L.R.R.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the case involving the application of James T. Harris for enrollment as a citizen of the Choctaw Nation, including your decision of the same date, denying said application.

It does not appear that the applicant has ever been admitted to citizenship in the Choctaw Nation, by the tribal authorities thereof, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory.

It appears from your decision that on June 21, 1902, you notified the applicant that he would be allowed thirty days from that date within which to set forth that he claimed a right to identification as a Mississippi Choctaw; that no response was made to said notice.

Reporting December 10, 1903, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his

letter is inclosed.

The Department concurs in said recommendation, and your decision rejecting the applicant is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON:- Dec. 10, 1903.

Land.
13,852-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is inclosed, herewith, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of James T. Harris for enrollment as a citizen of the Choctaw Nation.

Under date of February 25, 1903, the Commission held that the applicant was not entitled to enrollment.

From the record it does not appear that the applicant has been admitted to citizenship in the Choctaw Nation by the tribal authorities, the commission or the court or that he has been recognized as a citizen of the nation and as such duly and lawfully enrolled. Neither does it appear that he has been married to a recognized and enrolled citizen of the Choctaw Nation in accordance with the laws, customs and usages of the tribe.

June 21, 1902, the commission notified him that he would be

allowed thirty days from that date in which to present any claim he might have to a right to be identified as a Mississippi Choctaw. In the decision of the commission it is stated that no response was received to this notification.

From the record in this case, which is very meagre, it does not appear that the applicant is entitled to be enrolled, and the approval of the commission's decision adverse to him is recommended.

Very respectfully,

W. A. Jones,
Commissioner.

(G.A.W.) P.

COPY.

Choctaw R-180.

Waskoge, Indian Territory, December 23, 1903.

James T. Harris,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, under date of December 15, 1903, affirmed the decision of this Commission, dated February 25, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY:

Choctaw # 120.

Waskagee, Indian Territory, December 23, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of December 16, 1903, affirmed the decision of this Commission, dated February 26, 1903, refusing the application of James T. Harris, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(Signed)

Tame Bixby.

James T. Harris of
Summerfield, Ind. is about 25 yrs of age
is applicant on Charles D. Cant 105
as S.W. I know personally both Harris and his wife
He is not the James T. Harris on Case Chas R 120
Waukegee, Indian Territory, January 3, 1902.
Shelby 6/18/02

James T. Harris,

Summerfield, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1901, in which you desire that an examination be made of the Choctaw rolls and you be informed whether or not you have been enrolled as a bona fide citizen of the Choctaw Nation.

You are informed that it appears from our records that at South McAlester, Indian Territory, in September, 1899, James T. Harris, 46 years of age, made application for enrollment as a citizen by blood of the Choctaw Nation and was at that time refused such enrollment for the reason that his name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission and for the further reason that he had never been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory.

If you are not the James T. Harris who made application at South McAlester, Indian Territory, in September, 1899, and you will furnish the Commission with your full name, your age, the time and place you made such application and such other information

J J H 2

as you may have concerning such application, the matter will
receive further consideration.

Yours truly,

Commissioner in Charge.

7 R 120

RECEIVED
JAN 10 1900
U. S. DEPT. OF JUSTICE

7-R- 120.

COPY.

Muskogee, Indian Territory, January 6, 1904.

Commissioner in Charge

Choctaw Land Office,

Ateka, Indian Territory.

Sir:-

You are hereby advised that on the 15th day of December, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the application of James T. Harris for enrollment as a citizen of the Choctaw Nation.

Respectfully,
(SIGNED)

James Bixby.
Chairman.

COPY.

V-B-120.

Muskogee, Indian Territory, January 6, 1904.

Commissioner in Charge

Chickasaw Land Office,

Tishomingo, Indian Territory.

Sir:-

You are hereby advised that on the 15th day of December, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the application of James T. Harris for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

7A12-D
Reg # 527

UNCLAIMED.

JAMES T. HARRIS,

South McAlester, Indian Territory.

Department of the Interior

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$500.



2nd Notice Mar 6 1903



1892-1893

COMMISSIONERS
HENRY L. DAVIS
TAMM DIXIE
THOMAS B. NEEDLE
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Choctaw R. 120

ALLISON L. AYLET-WORTH
SECRETARY

ADDRESS ONLY
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1903.

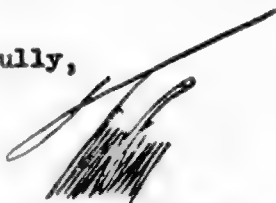
James T. Harris,
South McAlester, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

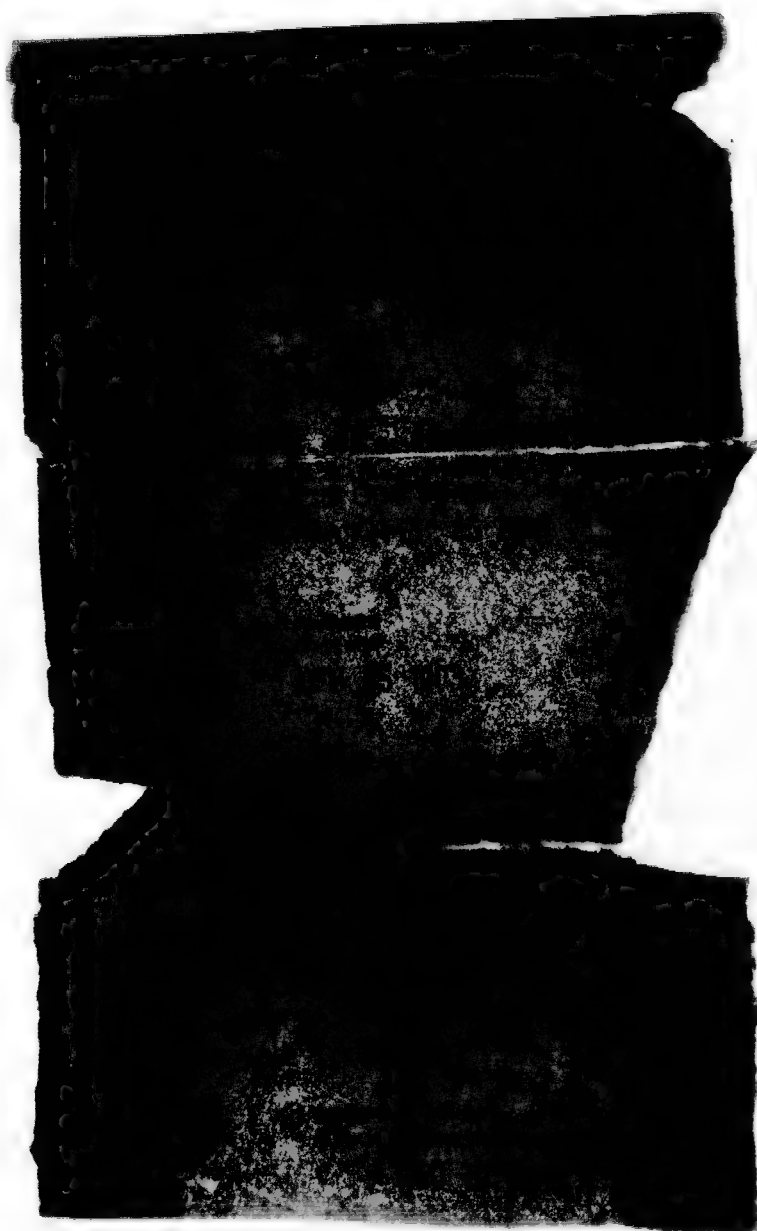
Respectfully,



Chairman.

Registered.

Enc. MT. 3



Choc R121 Rebecca C. Morris

R121

Commission to the Five Civilized Tribes,

Cherokee, Indian Territory.

In the enrollment of Mrs. Rebecca C. Harris as a Choctaw,
being sworn and examined by Gen. McKesson she testifies as follows

Q What is your name? A Rebecca C. Harris.

Q How old are you? A Sixty-two.

Q You were admitted as a citizen of the Choctaw Nation by the
United States Court at South McAlester August 24th 1897, were
you? A Yes sir.

Q When did you come to the Territory? A I came here several
times; I came here last fall.

Q When did you move here? A Last fall.

Q Never moved here until last fall? A No sir.

Q What time last fall? A About this time I suppose.

Q What was the month? A I think it was August.

Q August 1898? A Yes sir, I have been here several times.

Q You have been living in the State of Mississippi? A Yes
sir, I have been coming and making preparations to come here.

Q When did you first come to the Territory? A I first came
here in 1887 I think.

Q How long did you stay here then? A I staid here a month
or two.

Q You went back? A Yes sir.

Q You left your household goods and effects all in Mississippi?

A Yes sir.

Q Didn't bring anything of that kind with you, nor your family?

A No sir.

Q What did you come against? A I don't remember the year now.

Q How many years ago? A It was probably two years since that.

A I don't know any more than that. I don't know about a

Department of the Interior
Commissioner of the General Land Office

Rebecca C. Harris

Q. Yes sir.

Q. And you went back to school, when did you come again?

A. I was here again before that judgment was given.

Q. How long did you stay each time? A. I didn't stay very long.

Q. You didn't move your family and effects here until about October of last year? A. Yes sir.

Q. Was it August or October? A. It was during the yellow fever, I think it was the latter part of August or September.

Q. Was it the same time that your son W. L. Harris came?

A. Yes sir.

Q. His statement about it is about right is it? A. Yes sir.

Q. What are the names of the members of your family that are with you? Is William L. Harris your son? A. Yes sir.

Com'r McKenna: He has already been before the Commission and refused enrollment.

Q. Is J. C. Harris your son? A. Yes sir, he is present and will answer for himself.

Com'r McKenna: Your enrollment will have to be refused, as you didn't live here until after the time provided by law.

Rebecca C. Harris, recalled, testified:

Q. What are the names of your children that are not enrolled in land judgments? A. Rebecca C. Harris, 22 years old, and Wiley Harris, 24 years old, and a younger son, 30 years old.

A. There are all three? A. Yes sir.

Q. They never have been married to anybody here? A. No.

Q. They were married in some court? A. Yes sir, by not being present at the court.

Cheetaw R-121.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Rebecca C. Harris,
Cade, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Rebecca C., Helsey and Rosa Harris, as citizens of the Cheetaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

1 enclosure.
Cheetaw R-121.
Registered.

COPY.

Choctaw B-121.

Muskogee, Indian Territory, May 9, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Rebecca C. Harris for the enrollment of herself and her three minor children, Rebecca C., Kelsey and Rosa Harris, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles*

Commissioner in Charge.

1 enclosure.
Choctaw B-121

COPY.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Rebecca C. Harris for the enrollment of herself and her three minor children, Rebecca C., Helsey, and Rosa Harris, as citizens of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Rebecca C. Harris and her three minor children, as citizens of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure.
Choctaw R-121.

Through the Commissioner
of Indian Affairs.

Copy.

Land.
29240 - 1902.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, July 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on May 9, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Rebecca C. Harris for the enrollment of herself and her children Rebecca C., Holsey and Rosa Harris as citizens by blood of the Choctaw Nation.

It appears from the record that the principal applicant Rebecca C. Harris was admitted to citizenship by the United States Court on August 24, 1897, but that the names of her children who were aged respectively 26, 24 and 20 years were not included in the judgment of the court, and it does not appear that they ever have been admitted to citizenship in the Choctaw Nation.

The Commission declined to place the names of any of the applicants upon the tribal rolls, basing their decision as to the main applicant upon the ground that she had never removed to the Indian Territory.

The office believes that the Commission's action was correct as to the children, but is convinced that the Commission had no jurisdiction whatever over the claim of Mrs. Rebecca C. Harris. She was admitted by the Court and nothing was left for the Commission but the mere ministerial act of writing her name upon the roll. It is therefore respectfully recommended that the Commission be advised that its decision is affirmed as to the Children, and that it be directed to place the name of Mrs. Harris upon the roll as a Choctaw citizen.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W. C. V. (B)

D. O. 13161-1902.

T. P.
EAF.

DEPARTMENT OF THE INTERIOR.

ITD.4164-1902.
L R S.

Washington. August 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Rebecca C. Harris for the enrollment of herself and Children, Rebecca C., Holsey and Rosa Harris, as citizens of the Choctaw Nation by blood.

It does not appear that any one of the applicants has been enrolled as a citizen of the Choctaw Nation, nor does it appear that they have ever been admitted to citizenship by the legally constituted authorities of said nation. It is shown, however, that the principal applicant, Rebecca C. Harris, was admitted to citizenship by the United States court in accordance with the act of June 10, 1896 (29 Stat., 321); that the names of said children were not included in the application filed with your Commission under said act, nor in the decision of the court; that none of the applicants had ever lived in, or removed to, the Indian Territory with the intention of becoming residents thereof, until October, 1898. You referred to the provisions of the act of June 28, 1898 (30 Stat., 495), and rejected the application.

Reporting in the matter July 9, 1902, the Acting Commissioner states that he considers your action correct so far as the children are concerned, but he holds that, the mother having been admitted by the court, she should be enrolled without question.

The Department affirms your action as to said children. It will suspend action in the case as to the principal applicant until the court provided for by the act of July 1, 1902 (Public 229), has taken action as therein provided. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.
DALL

1 inclosure.

COPY.

7-2-121

Washoe, Indian Territory, August 19, 1902.

Rebecca G. Harris,
Caddo, Indian Territory.

Dear Madam:

You are advised that on August 12, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Rebecca G., Halsey and Rosa Harris, as citizens of the Choctaw Nation, as to your said three children, but suspended action relative to your final right to enrollment as a citizen of the Choctaw Nation until the Choctaw-Chickasaw citizenship court provided for by the act of Congress approved July 1, 1902, and entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," has taken action as therein provided.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on August 13, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application of Rebecca C. Harris for the enrollment of herself and her three children, Rebecca C., Halsey and Rosa Harris, as citizens of the Choctaw Nation, as to the three children, last named, but suspended action in the final disposition of the application of Rebecca C. Harris, the principal applicant, to be enrolled as a citizen of the Choctaw Nation until the Choctaw-Chickasaw citizenship court provided for by the act of Congress approved July 1, 1902, and entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," has taken action as therein provided.

The decision in the above entitled cause, a copy of which was furnished you May 9, 1902, shows that Rebecca C. Harris was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, August 24, 1897, in Choctaw citizenship case No. 22, but

M. Mail & Co.,-2:

was refused enrollment by this Commission for non-compliance with that provision of the act of Congress of June 20, 1906, as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

The three children of Mrs. Harris for whom application was made were not included in the original application made by their mother to this Commission, and have never been recognized by the tribal authorities or admitted to citizenship by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, under the provisions of the act of Congress of June 20, 1906.

Yours truly,

(SIGNED)

James Dixon,
Acting Chairman.

D.C.18586-1902

(Copy)

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ITD.4164-1902

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DEPARTMENT OF THE INTERIOR.

WASHINGTON, October 9, 1902

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Rebecca C. Harris for the enrollment of herself and her children, Rebecca C. Holsey and Rosa Harris, as citizens by blood of the Choctaw Nation, rejected by you May 9, 1902, and transmitted with your letter of that date.

It appears that Rebecca C. Harris, the principal applicant, was "admitted" to citizenship in said nation by the United States court for the central district, Indian Territory, August 24, 1897, acting under the provisions of the act of June 10, 1896 (31 Stat. 321); that said three children were not included in the original application in the case of Rebecca C. Harris et al., filed with your Commission under said act, nor in the decree of the United States court. For that reason and because the applicant in chief had not removed in good faith to the Indian Territory on June 28, 1898, you held that not one of the parties is entitled to enrollment.

Reporting in the matter July 9, 1902, the Acting Commissioner of Indian Affairs stated that in view of the decision of the court

there was nothing left for your Commission but the mere ministerial act of writing the name of Rebecca C. Harris upon the roll. He recommended, however, that your decision be affirmed as to the children.

Your decision is affirmed as to said children. As sections 31, 32 and 33 of the Choctaw and Chickasaw agreement (act of July 1, 1902, Public 228), provides for a citizenship court which has jurisdiction as to Choctaw citizenship rights of the principal applicant, Rebecca C. Harris, the papers are returned to be held in order that the matter as to her may be readjudicated by you at the proper time.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed)

THOS. RYAN,
Acting Secretary.

3 inclosures.

Land
29240-1902

D.C.18586-1902

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, July 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on May 9, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Rebecca C. Harris for the enrollment of herself and her children Rebecca C. Holsey and Rosa Harris as citizens by blood of the Choctaw Nation.

It appears from the record that the principal applicant Rebecca C. Harris was admitted to citizenship by the United States Court on August 24, 1897, but that the names of her children who were aged respectively 26, 24 and 20 years were not included in the judgment of the court, and it does not appear that they ever have been admitted to citizenship in the Choctaw Nation.

The Commission declined to place the names of any of the applicants upon the tribal rolls, basing their decision as to the main applicant upon the ground that she had never removed to the Indian Territory.

The office believes that the Commission's action was correct as to the children, but is convinced that the Commission had no jurisdiction whatever over the claim of Mrs. Rebecca C. Harris. She

was admitted by the court and nothing was left for the Commission but the mere ministerial act of writing her name upon the roll. It is therefore respectfully recommended that the Commission be advised that its decision is affirmed as to the children, and that it be directed to place the name of Mrs. Harris upon the roll as a Choctaw citizen.

Very respectfully,
Your obedient servant,
A. C. TOMLIN,
Acting Commissioner.

W.C.V.(S)

Muskogee, Indian Territory, August 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 9, 1902, (I. T. D. 4164-1902) the Secretary of the Interior remanded the record in the matter of the application of Rebecca C. Harris, et al. for readjudication as to the principal applicant after the action of the Choctaw and Chickasaw Citizenship Court which has jurisdiction as to her Choctaw citizenship rights.

I now have the honor to report that Rebecca C. Harris, the principal applicant in this case, is now a party to a suit pending before the Choctaw and Chickasaw Citizenship Court, Case Number 110 on the South McAlester Docket of said court, and the said Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree therein.

As soon as the Commission is in receipt of a certified copy of the decree of the Choctaw and Chickasaw Citizenship Court in case Number 110 on the South McAlester Docket, copy thereof will be forwarded the Department and a report made in the matter of the application of Rebecca C. Harris for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Muskogee, Indian Territory, December 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On August 12, 1902, (I. T. D. 4164-1902) the Secretary of the Interior approved the decision of the Commission of May 9, 1902, refusing the application for enrollment of Rebecca C. Harris, Holsey Harris and Rosa Harris, children of Rebecca C. Harris, and suspended action as to the principal applicant, Rebecca C. Harris, until the court created by the act of Congress approved July 1, 1902, has acted thereon as provided, and on October 9, 1902, the record in the case was returned to the Commission to be held pending the action of the Citizenship Court as to the principal applicant, Rebecca C. Harris.

I now have the honor to report that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree denying the right to citizenship of Rebecca C. Harris, the principal applicant in this case, in case Number 110 on the South McAlester Docket, entitled Rebecca C. Harris, et al. versus the Choctaw and Chickasaw Nations.

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The original record in the matter of the application of
Rebecca G. Harris for the enrollment of herself and her children,
Rebecca G. Harris, Halsey Harris and Rosa Harris, is herewith return-
ed.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Choctaw R 121

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON January 14, 1905.

Land.
88358-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated December 14, 1904, transmitting the record in the matter of the application of Rebecca C. Harris for the enrollment of herself and her children, Rebecca C., Holsey and Rosa Harris as citizens by blood of the Choctaw Nation.

May 9, 1902, the Commission decided adversely to the applicants.

The record shows that the applicant, Rebecca C. Harris, appeared before the Commission in August, 1899 and made personal application for the enrollment of herself and her children, Rebecca Holsey and Rosa Harris as citizens by blood of the Choctaw Nation.

It does not appear from the record, or from the records of this office, that any of the applicants has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation.

It appears from the record that the applicant, Rebecca C. Harris, with others, in the case entitled Rebecca C. Harris et al VS. the Choctaw Nation on September 9, 1896, made an original application to the Commission for citizenship in the Choctaw Nation which application was on December 8, 1896, denied by the Commission, and on appeal therefrom to the United States Court, Central District, Indian Territory, on August 24, 1897, the action of the Commission was reversed as to Rebecca C. Harris and she was with others, thereby admitted to citizenship by blood in the Choctaw Nation; that the said Rebecca C. Harris, child of the applicant ⁱⁿ chief, was, at the time of the making of this application, 26, years old, Holsey Harris 24 years old and Rosa Harris 20 years old; and the said last three named applicants, children of the said Rebecca C. Harris, were not included in the original application, nor in the decree of the said United States Court.

It further appears from the record, and from the records of this office that the children of the applicant in chief, Rebecca C. Holsey and Rosa Harris have never been admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States Tribunal.

It appears from the record that none of the applicants has ever lived in or removed to the Indian Territory with the intent of becoming residents thereof until the month of October, 1898.

-3-

In view of the record and of Section 21 of the Act of Congress of June 28, 1898 (30 Stats., 495) the approval of the Commission's decision adverse to all of the applicants is recommended.

Very Respectfully,

M.M.M.
W.

C.F. Larrabee,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR
WASHINGTON

G.R.

D.C. 4011-1904.
I.T.D. 6724-1904.
410-1905.

January 19, 1905. ^{LLB}

IRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

May 9, 1902, you transmitted the record of proceedings in the matter of the application of Rebecca C. Harris for the enrollment of herself and children, Rebecca C., Halsey and Rosa Harris, as citizens of the Choctaw Nation including your decision of same date adverse to all the applicants.

August 12, 1902, (I.T.D. 4164-1902), the Department affirmed your decision as to the three children named and suspended action as to the principal applicant, Rebecca C. Harris, until the court created by the act of Congress approved July 1, 1902, had acted thereon, and on October 9, 1902, the record was remanded to the Commission to be held awaiting action of said citizenship court on the application of Rebecca C. Harris.

December 14, 1904, the Commission reported that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree, denying the right to citizenship of Rebecca C. Harris, the principal applicant in this case, in case No. 110 on the South McAlester docket, entitled Rebecca C. Harris et al. vs.

the Choctaw and Chickasaw Nations.

January 14, 1905, the Acting Commissioner of Indian Affairs reporting in the matter recommended that your decision of May 9, 1902, adverse to applicant Rebecca C. Harris be affirmed. Copy of his letter is herewith inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

1 inclosure.

THOS. RYAN,
Acting Secretary.

Chectaw R 121

COPY.

Muskogee, Indian Territory, January 28, 1903.

Rebecca C. Harris,

Caddo, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of January 19, 1903, affirmed the decision of this Commission dated May 9, 1902 refusing your application for enrollment as a citizen of the Chectaw Nation.

Respectfully,

SIGNED,

Jams Bixby

Chairman.

Choctaw R 121

COPY,

Muskogee, Indian Territory, January 28, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 19, 1905, affirmed the decision of this Commission, dated May 9, 1902, refusing the application for the enrollment of Rebecca C. Harris as a citizen of the Choctaw Nation.

Respectfully,
SIGNED,

James Bixby

Chairman.

Choptaw and Chickasaw Citizenship
Court.

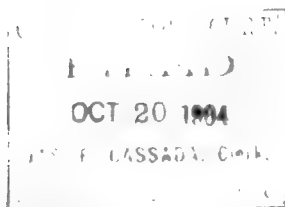
NO. 110. —

Rebecca C. Harris, et al,

vs

Choptaw and Chickasaw
Nations.

OPINION.



J. G. Halls,
for Plaintiff.

Mansfield, McMurray & Cornish,
for Defendants.

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT,
SITTING AT SOUTH MOALESTER,
INDIAN TERRITORY.

Rebecca C. Harris, et al,
Plaintiffs.

vs

The Choctaw and Chickasaw
Nations,
Defendants.

NO. 110.

J. G. Ralls,

for Plaintiffs.

Manafield, McMurray & Cornish,
for Defendants.

OPINION.

By WEAVER, J.

This cause comes into this Court on appeal from the United States District Court for the Central District of the Indian Territory.

The plaintiffs are Rebecca C. Harris and descendents from her, and certain others who are intermarried with some of her children.

There is no dispute that said Rebecca C. Harris and her said descendents are Choctaw Indians by blood, she being a daughter of Greenwood Leflore, who was a prominent member and Chief of the old Nation west of the Mississippi River, and who was especially provided for by a grant of certain lands by the terms of the treaty of 1830.

Neither Greenwood Leflore nor any of his family came with the tribe when, under the terms and provisions of said treaty, they emigrated from the old location to the newly acquired lands west of the Mississippi and made their homes within the limits of the Indian Territory. There is some evidence tending to show that he came to this country and remained a little while during which time

he began to make some improvements, but speedily abandoned the same and returned to Mississippi where he remained until his death which occurred in 1865.

None of his descendents who are claimants in this cause came to this Territory until about January or February, 1885, when W. L. Harris, a son of Rebecca C. Harris, came here and remained until the latter part of 1886, when he returned to Mississippi. During the period he was here he diligently employed himself in ascertaining what steps it would be necessary to take in order that he might become ^{as a permanent} ~~an organized~~ member of his tribe, and his evident intention was to take up a residence here only in the event his right to citizenship was established. He went back and forth to Mississippi several times. He brought his mother out here in 1887 and they made application to the Choctaw Council for citizenship, but no action was taken on it.

In 1896 after the Commission to the Five Civilized Tribes was established, Rebecca C. Harris, still a resident of Mississippi, made application on behalf of herself and her descendents for enrollment as a Choctaw, in which she states that in 1890 she made application to the Choctaw Council for recognition for herself, her children and her grandchildren, but that no final action was ever had thereon. *And,*

"That for the reason that said Council failed to act upon said application your petitioner and all for whom she prays had not taken up their residence in said Choctaw Nation: That at the time said application was made as aforesaid to the Choctaw Council as well as now, both your petitioner and those whom she prays for enrollment, were residents of the State of Mississippi: That as their citizenship was not

recognized by said Choctaw Council it would have been unwise to have sacrificed their interests in Mississippi and removed to the Choctaw Nation, and as aforesaid that is the reason that all are now non-residents of the said Choctaw Nation."

This application was sworn to by the said Rebecca C. Harris on the 31st day of August, A. D. 1898.

On the same day W. L. Harris, son of Rebecca C. Harris, made an affidavit in which he said:

"The facts stated in the foregoing petition of Rebecca C. Harris, et al, are true as stated: That of his own knowledge all of the facts are true."

The said Rebecca C. Harris also testified in the trial of this case before this Court, that she is still a resident of Mississippi, and that her intention has been to make her home here only in the event that she is adjudged a citizen of the Choctaw Nation. I am of the opinion from the record and testimony in this cause that none of the plaintiffs have been bona fide residents of the country ceded to the Choctaw Nation west of the Mississippi River, but came here to make an attempt to be recognized as citizens of the Nation, and if they failed in their enterprise would still have their homes and citizenship where they came from.

Finding, as I do, that these plaintiffs are Choctaw Indians by blood, or claim rights as Choctaw Indians by reason of intermarriage with persons who had such blood and that they are not bona fide residents of the country heretofore ceded to the Choctaw Nation, the next question is whether or not such residence is essential to the full enjoyment of their rights. Among these rights is

have the power of allotting the lands, or of bringing the members of the Tribes under the laws of the United States except with the consent of the Choctaw Nation.

Then came the treaty of 1830 which provided in Article 1 that:

"All other treaties heretofore existing and inconsistent with the provisions of this are hereby declared null and void."

In Article 2 is this language:

"The United States under a grant especially to be made by the President of the United States shall cause to be conveyed to the Choctaw Nation a tract of country west of the Mississippi River, in fee simple to them and their descendants, to inure to them while they shall exist as a Nation and live on it."

To obtain and retain the title to their land they must do two things, viz: "Continue to exist as a Nation," and "Live on it." That is live on the land.

By Article three of the treaty ^{the Choctaw Nation} cede their lands east of the Mississippi River to the United States ^A and agree to remove beyond the Mississippi, which they agree to do, "In consideration of the provisions contained in the several articles of this treaty."

In pursuance of the terms of this treaty a patent for the lands "west of the Mississippi River" was issued ⁴ by the President of the United States containing the identical language above quoted as contained in the second article of said treaty. As stated by counsel for plaintiffs in his brief filed herein it was the evident

the privilege of participating in the division of the tribal lands and monies. The Government of the United States and the Choctaw and Chickasaw Nations have agreed that the time for the allotment of lands in severalty among the members of the Tribes or Nations, and division of the funds of said Nations, long looked forward to and considered, has at last arrived, and that the tribal government shall soon be a thing of the past. Who, then, shall be participants in this final ^{division} decision? We must bear in mind that this is no temporary or hasty matter, but has been intended by all parties interested to be a finality, and has engrossed their active thoughts for three quarters of a century, and the present state of affairs has not been brought about in one leap but has come step by step.

In the treaty of 1820 it is stated in the preamble that:

"It is an important object with the President of the United States to promote the civilisation of the Choctaw Indians."

And in Article 4 it is provided that:

"The boundaries hereby established between the Choctaw Nation and the United States, on this side of the Mississippi River shall remain without alteration until the period at which the Nation shall become so civilized and enlightened as to be made citizens of the United States, and Congress shall lay off a limited parcel of and for the benefit of each family or individual in the Nation."

In the treaty of 1825 it is stipulated that said article of the treaty of 1820 shall be so modified that Congress shall not

intent and meaning of all parties to this treaty that the Choctaws should remove to the new country, and although it provided that they might remain there and take up land without losing their privileges as members of the Tribe, yet they would forever lose their annuities.

And so, from that time to this, as shown by the various treaties and laws, a persistent effort was made to get the Choctaws to come here and live on the land. And by Act of Congress (June 28, 1898) it was provided that:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claimed citizenship."

Thus enacting in the form of a statute what had evidently been the intention of the parties when the various treaties were made.

There are various other interesting and important questions which might be considered here but in view of the conclusion already expressed by me herein I deem it unnecessary to enter into them. Therefore, for the reasons above stated, I am of the opinion that none of the applicants herein are entitled to be enrolled as members of the Choctaw Nation, in this proceeding.

Walt L. Neave
Associate Judge.

We concur,

Spencer B. Edwards
Chief Judge.

H. S. Ho

Associate Judge.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rebecca C. Harris for the enrollment of herself and her children, Rebecca C. Harris, Helsey Harris and Rosa Harris, as citizens by blood of the Choctaw Nation.

-- DECISION --

It appears from the record in this case that the applicant, Rebecca C. Harris, appeared before this Commission at Caddo, Indian Territory, at its session thereat beginning August 21, 1899, and ending August 25, 1899, and then and there made personal application for the enrollment of herself and her children, Rebecca C. Harris, Helsey Harris and Rosa Harris, as citizens by blood of the Choctaw Nation.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that any of the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls.

(2).

of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It appears from the records of this Commission, and the evidence submitted, that the said Rebecca C. Harris with others, in the case entitled "Rebecca C. Harris, et al., vs. the Choctaw Nation", 1896 Docket G, Choctaw Number 1377, on September 9, 1896, made an original application to this Commission under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation, which application was by this Commission on December 8, 1896, denied, and on appeal therefrom in said cause to the United States Court, Central District, at South McAlester, Court cause No. 65, on the 24th day of August, 1897, the action of this Commission was by said Court reversed as to said Rebecca C. Harris, and the said Rebecca C. Harris with others was thereby admitted to citizenship in the Choctaw Nation by blood; that the said Rebecca C. Harris, child of this applicant in chief was, at the time of the making of this application, twenty-six years old, Halsey Harris twenty-four years old, and Rosa Harris twenty years old; and the said last three named applicants, children of the said Rebecca C. Harris, were not included in the original application of the said Rebecca C. Harris, et al., so filed with this Commission under the act of Congress of June 10, 1896, nor in the decree of the said United States Court admitting the said Rebecca C. Harris, et al., to citizenship in the Choctaw Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the children of the applicant in chief, Rebecca C. Harris, Halsey Harris and Rosa Harris, have never been admitted to citizenship in

(3).

the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 321).

It appears from the evidence submitted in this cause that none of the applicants have ever lived in or removed to the Indian Territory with the intent of becoming residents thereof until the month of October, 1898.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of the twenty-first section of the act of June 25, 1898, (30 Stat., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the principal applicant was, on the 17th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right for herself and her children to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 25, 1898, (30 Stat., 495), in a portion of section twenty-one thereof, provides as follows:

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants here since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

(4).

and also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is, therefore, the opinion of this Commission that Rebecca G. Harris and her children, the applicants, Rebecca G. Harris, Halsey Harris and Rosa Harris, are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in Indian Territory by blood, and that their applications therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

COPY.

LAW OFFICES OF
MANFIELD, McMURRAY & CORNISH.

South McAlester, Indian Territory, March 22, 1901.

Commission to Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

In the matter of the cases of Rebecca C. Harris, et al; Eugene R. Benson, et al; Nancy Marshall, et al; and Nancy Lee Cundiff vs The Commission to the Five Civilized Tribes, pending in the United States Court for the Central District of the Indian Territory, at South McAlester, we have to advise you as follows:

It will be remembered that these cases were some months ago argued before Judge Clayton, upon demurrers to the petitions of plaintiffs for writ of mandamus. Judge Clayton at the time overruled the demurrers, but no formal orders were made, and thus the matter stood.

We, today, called up these cases with a view to perfecting the record so that appeals might be taken to the higher courts.

In the Harris case the demurrer was overruled. We declined to plead further, and an appeal was prayed and allowed to the higher court, the Court of Appeals for the Indian Territory. In the Benson and Cundiff cases the condition is the same. In the Marshall case our demurrer was sustained, and plaintiffs allowed further time to amend their petition.

We shall at once perfect the appeals and prepare the cases for submission to the Indian Territory Court of Appeals.

Very respectfully,

Diotated.

(Signed) Mansfield, McMurray & Cornish.

Muskogee, Indian Territory, April 17, 1901.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Cheataw & Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:-

Receipt is hereby acknowledged of your letter of March 22, 1901, referring to the matter of the cases of Rebecca C. Harris et al, Eugene R. Benson et al, Nancy Marshall et al and Nancy Lee Cundiff vs the Commission to the Five Civilized Tribes, pending in the United States Court for the Central District of Indian Territory at South McAlester, Indian Territory.

You advise the Commission that these cases were, some months ago, argued before Judge Clayton upon demurrers to the petitions of plaintiffs for writ of mandamus, which, at that time, was overruled by the Court, but no formal orders were made.

It is stated in your letter that you called these cases up March 22, 1901, with a view of perfecting the record, so that appeals might be taken to the higher courts; that in the Harris case the demurrer was overruled and that you declined to plead further and that an appeal was prayed and allowed to the higher court, the Court of Appeals for Indian Territory, the Benson and Cundiff cases remaining in the same condition. In the Marshall case your demurrer was sustained and plaintiffs allowed further time to amend their petition. You further state that you will, at once, perfect the

Mansfield, McMurray & Cernish-----2

appeals and prepare the cases for submission to the Indian Territory Court of Appeals.

You are informed that copies of your said letter of March 22, 1901, have been filed with each of the cases mentioned therein.

Yours truly,

Acting Chairman.

7-R-121

7-D-325

7-D-600

7-R-68

Muskogee, Indian Territory, November 7, 1906.

Mrs. Rosa Harris,

Blk, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 30, 1906, in which you ask if you can have a new trial in your case.

In reply to your letter you are advised that it appears from the records of this office that the application for the enrollment of Rosa Harris as a citizen of the Choctaw Nation was refused by the Commission to the Five Civilized Tribes May 9, 1902 and that this action was approved by the Secretary of the Interior August 12, 1902.

Relative to a new trial in your case your attention is invited to the following provision of the act of Congress approved April 26, 1906:

.....and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this act, in which cases such motion shall be made within sixty days after the passage of this Act."

It is not believed therefore that you are in any manner

M. R. H. 42

entitled to possessory rights of the tribal property in the Choctaw
or Chickasaw Nations.

Respectfully,

Commissioner.

in the matter of the application
of Rebecca G. Harris, et al.
for enrollment as citizens by the
Choctaw Nation.

*Dec 9, 1902 Received relative to
Rebecca G. Harris pending in
Citizenship Court on case
No. 5, 1901 Report to the*

REFUSED

MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT

MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

MAY -9 1902

RECORD FORWARDED DEPARTMENT.

MAY -9 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

*No. 2, 3 and 4 and action done
as to No. 1 under the provisions
of July 1, 1902 law and
the law of 1901.*

AUG 12 1902

NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.

AUG 19 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 19 1902

Choc R122

William L. Harris

Lucile Harris

R122

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as citizens by blood of the Choctaw Nation of

LaFlore A. Harris
Lucile Harris

7-R-122.

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Lo Hon A Homis

as a citizen of

Choctaw

Nation.

Approved

NOV 21 1902

190.

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1902

[Signature]
ACTING CHAIRMAN.

A.V. C*122

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *LeFlou A. Harris*, born on the *21* day of *January*, 19*00*
Here insert name of child.
Name of Father: *William L. Harris* a citizen of the *Choctaw* Nation.
Name of Mother: *Lucile A. Harris* a citizen of the *Choctaw* Nation.
Post-office *Caddo, S. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

Curtis District,
INDIAN TERRITORY.

I, *Lucile A. Harris*, on oath state that I am *26*
years of age and a citizen, by *Intromony* of the *Choctaw* Nation;
that I am the lawful wife of *William L. Harris*, who is a citizen, by
Blood of the *Choctaw* Nation; that a *Male* child was
(male or female)
born to me on *21* day of *January*, 19*00*, that said child has been
named *LeFlou A. Harris*, and is now living.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this

18th day of *Nov*190*2*

A. H. Blum
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

Curtis District,
INDIAN TERRITORY.

I, *LeRoy Long*, a *Physician*, on oath state that I
attended on Mrs. *Lucile A. Harris*, wife of *William L. Harris*,
on the *21st* day of *January*, 19*00*, that there was born to her on
said date a *Male* child; that said child is now living and is said to have been
(male or female)
named *LeFlou A. Harris*.

WITNESSES TO MARK

(Must be Two
Witnesses)

Subscribed and sworn to before me this

18th day of *November*190*2*

A. H. Blum
NOTARY PUBLIC

INDEXED

20

IN RE

Application for Enrollment of

INFANT CHILD

Lucie Harris

as a citizen of

Choctaw Nation.

Approved

NOV 21 1902

190...

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 21 1902

ACTING CHAIRMAN.

R#122

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the *Choctaw* Nation,
of *Lucile Harris*, born on the *8th* day of *January*, 1902
(Here insert name of child.)
Name of Father: *William L. Harris* a citizen of the *Choctaw* Nation.
Name of Mother: *Lucile A. Harris* a citizen of the *Choctaw* Nation.
Post-office *Caddo, I. T.*

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
Cumtial INDIAN TERRITORY, District.

I, *Lucile A. Harris*, on oath state that I am *26*
years of age and a citizen, by *Intestment* of the *Choctaw* Nation;
that I am the lawful wife of *William L. Harris* who is a citizen, by
Blood of the *Choctaw* Nation; that *female* child was
born to me on *8th* day of *January*, 1902 that said child has been
named *Lucile Harris*, and is now living.

WITNESSES TO MARK

(Must be Two)
Witnesses

Subscribed and sworn to before me this

18th day of *November*, 1902
A. H. Blum
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
Cumtial INDIAN TERRITORY, District.

I, *W. J. Mellon*, a *Physician* on oath state that I
attended on Mrs. *Lucile A. Harris*, wife of *William L. Harris*
on the *8th* day of *January*, 1902 that there was born to her on
said date a *female* child; that said child is now living and is said to have been
named *Lucile Harris*.

WITNESSES TO MARK

(Must be Two)
Witnesses

Subscribed and sworn to before me this

18th day of *Nov*, 1902
A. H. Blum
NOTARY PUBLIC

7-R-100.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of LeFlore A. Harris and Lucile Harris as citizens by blood of the Choctaw Nation.

-----0-----

The applicants, LeFlore A. Harris and Lucile Harris claim the right to enrollment as citizens by blood of the Choctaw Nation through their father, William L. Harris.

The right of the applicants' father, William L. Harris, (as W. L. Harris) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of October 20, 1904, in case number 110 upon the South McAlester Docket of said Court, it is hereby ordered that the application for the enrollment of LeFlore A. Harris and Lucile Harris as citizens by blood of the Choctaw Nation be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

FEB 1 1905

Chectaw R 122

COPY.

Muskogee, Indian Territory, February 10, 1905.

William L. Harris,

Cando, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 10, 1905, dismissing the application for the enrollment of your minor children, LeFlore A. Harris and Lucile Harris, as citizens by blood of the Chectaw Nation.

Respectfully,

SIGNED:

Tame Bixby

Chairman.

Registered.

Incl. 7-R-122

Chester R 122

COPY.

Muskogee, Indian Territory, February 10, 1905.

Hamer & Hitting,

Attorneys at Law,

Caddo, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated February 10, 1905, dismissing the application for the enrollment of LeFlore A. Harris and Lucile Harris as citizens by blood of the Choctaw Nation.

Respectfully,

~~James Bixby~~

James Bixby

Chairman.

Registered,

Incl. 7-B-122

Choctaw R 122

COPY.

Muskogee, Indian Territory, February 10, 1905.

Wanfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of this Commission dated February 10, 1905, dismissing the application for the enrollment of LeFlore A. Harris and Eunice Harris as citizens by blood of the Choctaw Nation.

Respectfully,

THOMAS BIRBY

Thomas Birby

Chairman.

Incl. 7-R-122

Department of the Interior,

Commissioner of the General Land Office,
Washington, D. C.
To be filled out by the applicant, and to be
submitted to the Commissioner of the General
Land Office, and to be filed in the
proper office of the Department.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the enrollment of William L. Harris and family as Choctaws
being sworn and examined by Com'r McKeanon he testifies:

Q What is your name? A William L. Harris.

Q How old are you? A Thirty-five.

Q Where have you been living? A Up to the time I got that
judgment I lived in Mississippi, with the exception of twelve
~~xxxx~~ in months in 1885 and 6 that I lived out here.

Q What time did you come to the Choctaw Nation from Mississippi?

A I think it was about the last of January or the first of July
1897 that I made arrangements before getting that judgment, and
then I went back to Mississippi.

Q When did you move here? A I brought my family out here
last October; when I got the judgment I went back immediately
to wind up my business and everything to come right at once, and
after I got back home the yellow fever broke out,---

Q You didn't come here until last October? A No sir.

Com'r McKeanon: We cannot enroll you, because the law
required you to settle here; enrollment is refused.

Applicant: I could have come here anyway, but my wife taken sick
with the rheumatism, but after the yellow fever broke out and my
wife getting sick, I couldn't come out; she was sick until
somewhere next spring, - about April or May of 1898.

Q What is your wife's name? A Lucile.

Q Just yourself and your wife in this judgment? A Yes sir.

Q You have a child born to you? A Yes sir.

Q What is its name? A Robert A.

Q What is the date of its birth? A April 27th, 1897.

Com'r McKeanon: The decree admitting you was August 24th
1897, case #65; the child was born before you were admitted to cit-
izenship, and it could not be enrolled on that account.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of William L. Harris for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage of the Choctaw Nation.

--: D E C I S I O N :--

It appears from the record in this case that the applicant, William L. Harris, appeared before the Commission at Cadde, Indian Territory, during its session thereat, beginning August 21, 1899, and ending August 25, 1899, and then and there made personal application for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that any of the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of

of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It appears from the records of the Commission and the evidence submitted, that the said William L. Harris and Lucile Harris with others, in the cause entitled "Rebecca C. Harris, et al., vs. the Choctaw Nation," 1896 Docket "C", Choctaw Number 1377, on September 9, 1896, made an original application to this Commission under the act of Congress of June 10, 1896, (29 Stats., 321), for citizenship in the Choctaw Nation, which application was by this Commission, on December 8, 1896, denied, and on an appeal therefrom in said cause to the United States Court, Central District, at South McAlester, Court cause number 66, on the 24th day of August, 1897, the action of this Commission was reversed as to said William L. Harris and Lucile Harris, and the said William L. Harris was thereby admitted to citizenship in the Choctaw Nation by blood, and the said Lucile Harris as a citizen by intermarriage in the said Nation.

It further appears from the evidence submitted that the said Robert A. Harris was born on the 27th day of April, 1897, subsequent to the original application of the said William L. Harris and Lucile Harris for citizenship in the Choctaw Nation so made to this Commission as aforesaid, but prior to the decision of the said United States Court.

It further appears, however, from the evidence submitted in this case that none of the applicants have ever lived in or moved to the Indian Territory with the intent of becoming residents thereof, until the month of October, 1898.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of

(3).

the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the principal applicant was, on the 17th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right for himself and his minor child to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicants to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) in a portion of section twenty-one thereof, reads as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

and also the following:

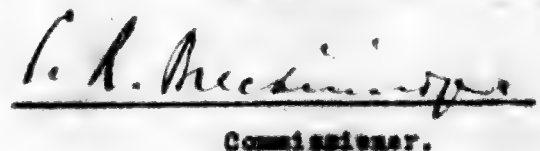
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

(4).

It is, therefore, the opinion of this Commission that the said William L. Harris and Robert A. Harris are not lawfully entitled to be enrolled as members of the Cheataw Tribe of Indians in Indian Territory by blood, and the said Lucile Harris is not lawfully entitled to be enrolled as a member of the Cheataw Tribe of Indians in Indian Territory by intermarriage, and that application for their enrollment as such should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

McKees, Indian Territory.

MAY -9 1902

Chectaw H-122

COPY.

Muskogee, Indian Territory, May 9, 1902.

William L. Harris,

Caddo, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor child, Robert A. Harris, as citizens by blood of the Chectaw Nation and for the enrollment your wife, Lucile Harris, as a citizen by intermarriage of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure
Chectaw H-122
Registered.

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William L. Harris and his minor son, Robert A. Harris, as citizens by blood of the Chectaw Nation and for the enrollment of, Lucile Harris, as a citizen by intermarriage of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED). *I. D. Needles*

Commissioner in Charge

1 enclosure
Chectaw B-122.

Muskogee, Indian Territory, May 9, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by William L. Harris for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commission dated May 9, 1908, refusing the application for the enrollment of William L. Harris and his minor child, Robert A. Harris as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage, of said nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 enclosure
Choctaw B-122

Through the Commissioner
of Indian Affairs.

Land
29240-1902

D.C.18585-1902

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, July 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on May 9, 1902, by the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of William L. Harris for the enrollment of himself and his minor child Robert A. Harris as citizens by blood, and for the enrollment of his wife Lucile as a citizen by marriage of the Choctaw Nation.

It appears that William L. Harris and Lucile Harris his wife on September 9, 1896, applied to the Commission for enrollment; that the Commission rejected their application, and that on appeal to the United States court for the Central District of Indian Territory they were on August 24, 1897, admitted to citizenship in the Choctaw Nation; and it further appears that Robert A. Harris was born on April 27, 1897, subsequent to the date of the application of his parents but prior to the rendition of the judgment by the Court.

The Commission refused to enroll the parties because they had not removed to the Indian Territory.

In the opinion of this office the matter, so far as the

applicants William L. Harris and Lucile Harris are concerned, is without the jurisdiction of the Department, and that the Commission has nothing to do with the case except to write their names upon the Choctaw rolls; and it believes that the minor child Robert A. Harris, who was born while the case of his parents was pending, should also be enrolled; and it is respectfully recommended that the Commission be so advised.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

W.C.V.(S)

D.C.18585-1902.

(Copy)

TP
EAF

ITD.4165-1902
LRS

DEPARTMENT OF THE INTERIOR.

WASHINGTON, October 9, 1902

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of William L. Harris for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by inter-marriage, of the Choctaw Nation, rejected by you May 9, 1902, and transmitted with your letter of that date.

It appears that William L. Harris and Lucile Harris were admitted to citizenship in said nation by the United States court August 24, 1897, acting under the provisions of the act of June 10, 1896, (29 Stat., 321); that said minor child was born April 27, 1897. Therefore, as to the said Robert A. Harris, and as it was shown by the testimony that the applicants had not removed to the Indian Territory on June 28, 1898, you held that they were not entitled to enrollment.

Reporting in the matter July 9, 1902, the Acting Commissioner of Indian Affairs stated that in view of the decision of the court you were without jurisdiction to reject the present application as to William L. Harris and Lucile Harris; that you had nothing to

do with the case except to write their names upon the Choctaw roll; that as Robert A. Harris was born while the case was pending before the court he should be enrolled.

As sections 31, 32 and 33 of the Choctaw and Chickasaw agreement (act of July 1, 1902, Public 228), provide for a citizenship court which has jurisdiction as to the Choctaw citizenship rights of the applicants, the papers are returned to be held in order that the matter may be readjudicated by you at the proper time. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed)

THOS. RYAN,
Acting Secretary.

2 inclosures.

COPY.

Choctaw R 122

Muskogee, Indian Territory, October 31, 1902.

William L. Harris,

Adde, Indian Territory,

Dear Sir:

You are hereby advised that on October 9 1902, the Secretary of the Interior returned the record in the matter of your application for the enrollment of yourself, your wife, Lucile Harris, and your son, Robert A. Harris, as citizens of the Choctaw Nation, together with the decision of the Commission, refusing the applications of the several persons named therein, to be held pending such action as may be taken in said case by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

Respectfully,

SIGNED: *Fame Kirby*.

Acting Chairman.

COPY.

Choctaw R 122

Muskogee, Indian Territory, October 31, 1902.

William L. Harris,

Caddo, Indian Territory,

Dear Sir:

You are hereby advised that on October 2, 1902, the Secretary of the Interior returned the record in the matter of your application for the enrollment of yourself, your wife, Lucile Harris, and your son, Robert A. Harris, as citizens of the Choctaw Nation, together with the decision of the Commission, refusing the applications of the several persons named therein, to be held pending such action as may be taken in said case by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

Respectfully,

(SIGNED).

Acting Chairman.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on October 9, 1902, the Secretary of the Interior returned the record in the matter of the application of William L. Harris, et al. for enrollment as citizens of the Choctaw Nation, together with the decision of the Commission refusing the application made by William L. Harris for the enrollment of himself, his wife, Lucile Harris, and his minor child, Robert A. Harris, as citizens of the Choctaw Nation, to be held pending such action as may be taken in said case by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

The decision in the above entitled cause, a copy of which was forwarded you May 9, 1902, shows that William L. Harris and Lucile Harris were admitted to citizenship in the Choctaw Nation by the United States Court for the Central District of the Indian Territory at South McAlester, on the 24th day of August, 1897, in court case Number 66, and that Robert A. Harris was born April 27, 1897, subsequent to the original application of the said William L. Harris and

H. Y. & C. 2

Lucile Harris for citizenship in the Choctaw Nation, made to this Commission on September 9, 1896, under the act of Congress of June 10, 1896, but were refused enrollment by the Commission because of noncompliance with the following provision of the act of Congress of June 26, 1896:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Respectfully,

SIGNED *James D. Dady*

Acting Chairman.

Muskogee, Indian Territory, August 5, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 9, 1902 (I. T. D. 4165-1902) the Secretary of the Interior remanded the record in the matter of the application of William L. Harris, et al. for enrollment as citizens of the Choctaw Nation, for readjudication after the action of the Choctaw and Chickasaw Citizenship Court which has jurisdiction as to their Choctaw citizenship rights .

I now have the honor to report that William L. Harris and Lucile A. Harris are parties to a suit pending before the Choctaw and Chickasaw Citizenship Court, Case Number 110 on the South McAlester Docket of said court, and the said Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree therein.

As soon as the Commission is in receipt of a certified copy of the decree of the Choctaw and Chickasaw Citizenship Court in case Number 110 on the South McAlester Docket, report will be made in the matter of the application of William L. Harris, et al. for enrollment as citizens of the Choctaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Muskogee, Indian Territory, December 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 9, 1902, (I. T. D. 4165-1902) the Secretary of the Interior returned the record in the matter of the application of William L. Harris for the enrollment of himself, his wife, Lucile A. Harris, and his child, Robert A. Harris as citizens of the Choctaw Nation, which was forwarded May 9, 1902, together with the decision of the Commission of that date refusing the applications for the enrollment of the above named persons, to be held pending action by the Choctaw and Chickasaw Citizenship Court as to the rights of these persons.

I now have the honor to report that on October 30, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree in the case of Rebecca C. Harris, et al., Number 110 on the South McAlester Docket, denying the rights to citizenship of W. L. Harris and Lucile Harris.

The original record in the matter of the application of William L. Harris for the enrollment of himself and his wife, Lucile A. Harris, and his child, Robert A. Harris, as citizens of the

Choctaw Nation, is herewith returned.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Choctaw R 122.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.
88359-1904.

WASHINGTON January 14, 1905.

C

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated December 14, 1904, transmitting the record in the matter of the application of William L. Harris for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for his wife, Lucile Harris, as a citizen by intermarriage of the Choctaw Nation.

May 9, 1902, the Commission decided adversely to all of the applicants.

It appears from the record that the applicant, William L. Harris appeared before the Commission in August 1899, and made personal application for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage, of the Choctaw Nation.

It does not appear from the record, or from the records of this office, that any of the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation.

It appears from the record that the said William L. Harris and Lucile Harris with others, in the cause entitled Rebecca C. Harris et al. vs. the Choctaw Nation on September 9, 1896 made an original application to the Commission for citizenship in the Choctaw Nation, which application was on December 8, 1896, denied and on an appeal therefrom to the United States Court, Central District, Indian Territory, the action of the Commission was reversed as to said William L. Harris and Lucile Harris, and the said William L. Harris was thereby admitted to citizenship by blood in the Choctaw Nation and the said Lucile Harris as a citizen by intermarriage in said Nation.

It is further shown that the said Robert A. Harris was born on the 27th day of April, 1897, subsequent to the original application of the said William L. Harris and Lucile Harris for citizenship as aforesaid, but prior to the decision of the said United States Court on the 24th day of August 1897.

It further appears that none of the applicants has ever lived in or moved to the Indian Territory, with the intent of becoming residents thereof until October, 1898.

In view of the record and of Section 21 of the Act of Congress of June 28, 1898 (30 Stats., 495) the approval

-3-

the Commission's decision adverse to the applicants is recommended.

Very Respectfully,

M.M.M.
W.

C.F. Larrabee,
Acting Commissioner.

DEPARTMENT OF THE INTERIOR
WASHINGTON

G.R.

D.C. 4008-1905.
I.T.D. 4165-02
6716-04
408-05.

RJH
January 19, 1905.

IRS

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record of proceedings in the matter of the application of William L. Harris for the enrollment of himself and his minor child, Robert A. Harris, as citizens by blood, and for the enrollment of his wife, Lucile Harris, as a citizen by intermarriage of the Choctaw Nation including your decision of same date, adverse to all the applicants.

October 9, 1902 (I.T.D. 4165-02), the Department remanded the case for readjudication after action taken thereon by the Citizenship Court created by the act of Congress approved July 1, 1902. December 14, 1904, the Commission returning the record, reported that on October 20, 1904, the Choctaw-Chickasaw Citizenship Court rendered its decree in the case of Rebecca C. Harris et al., No. 110 on the South McAlester docket, denying the rights to citizenship of W. L. Harris and Lucile Harris.

-2-

January 14, 1905, the Acting Commissioner of Indian Affairs recommended that your decision of May 9, 1902, adverse to all the applicants, be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

Choctaw R 122

COPY,

Muskogee, Indian Territory, January 28, 1905.

William L. Harris,

Cade, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of January 19, 1905, affirmed the decision of this Commission dated May 9, 1902, refusing the application for the enrollment of yourself, and son, Robert A. Harris, as citizens by blood, and of your wife, Lucile Harris, as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

~~EDWARD~~

Jame Bixby

Chairman.

COPY.

Muskogee, Indian Territory, January 28, 1905.

Homer & Elting,
Attorneys at Law,
Caddo, Indian Territory,
Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 19, 1905, affirmed the decision of this Commission dated May 9, 1902, refusing the application for the enrollment of William L. Harris and Robert A. Harris, as citizens by blood, and of Lucile Harris, as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,
JONES

Jane Bixby

Chairman.

COPY.

Muskogee, Indian Territory, January 28, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 19, 1905, affirmed the decision of this Commission dated May 9, 1902, refusing the application for the enrollment of William L. Harris and Robert A. Harris, as citizens by blood, and of Lucile Harris, as a citizen by intermarriage, of the Choctaw Nation.

Respectfully,

~~SIGNED~~

Jams Bixby

Chairman.

Muskogee, Indian Territory, August 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:-

On May 9, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application for the enrollment of William L., and Robert A. Harris as citizens by blood of the Choctaw Nation, and Lucile A. Harris for enrollment as a citizen by intermarriage of said nation.

On October 9, 1902, the record in this case was returned by the Department to be held pending the action of the Choctaw and Chickasaw Citizenship Court on the cases of persons admitted by the United States Courts in Indian Territory.

On December 14, 1904, the record in this case was returned to the Department with the report of the action of the citizenship court in the case of Rebecca C. Harris, et al., and on January 12, 1905, (I.T.O. 4185-1902, 6716-1904, 408-1905), the decision of May 9, 1902, refusing this application, was approved by the Secretary of the Interior.

I have further to advise that on February 10, 1905, the application for the enrollment of Leflore A. Harris and Lucile Harris as citizens by blood of the Choctaw Nation was dismissed

Sec. of Int. - - (2)

by the Commission to the Five Civilized Tribes.

I now have the honor to transmit herewith petition filed June 25, 1906, by J. H. Linebaugh, of Atoka, Indian Territory, attorney for applicants, for a reopening and reconsideration of this case.

Respectfully,

Wm C. Beall

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

7-R-122

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In Re: Application of William L.
Harris, et al, for enrollment as
Choctaw Indians by blood.

Petition of William L. Harris, for
himself and his minor children
and his wife, to have the decision
heretofore rendered by the Commission
re-considered and their application
for enrollment as members of the Choctaw
Tribe of Indians re-opened.

To the Honorable,

Commissioner to the Five Civilized Tribes:

Comes now your
petitioners William L. Harris, for himself, and for and on behalf
of his wife Lucile Harris and his minor children Robert A. LeFlore,
A. and Lucile Harris and respectfully shows to the Commissioner
that he did heretofore, to-wit; on August 24 1897 make application
to the Commission to the Five Civilized Tribes for the enrollment
of himself and children as members of the Choctaw Tribe of Indians
by blood and of his wife as an inter-married citizen of the Choctaw
Tribe of Indians; that subsequent thereto said application was
denied. That thereafter an appeal was taken by applicant to the
United States Court and therein applicant obtained a decree admitting
him to citizenship and directing his enrollment by the Commission;
that subsequent thereto his said case was certified to the
Choctaw-Chickasaw Citizenship Court, which said Court rendered its
decision denying his right of enrollment as a Choctaw Indian by
blood and setting aside, or attempting to set aside, the decision
or decree theretofore obtained in said United States Court; that
said decisions denying his right of enrollment were upon the ground
that he did not remove to and settle in the Indian Territory within
the time required by law. That your petitioner verily believes,

and so states it to be a fact, that all Tribunals or Courts before whom he has presented for consideration his said application have conceded that he was Choctaw Indian but the only reason for the failure of said Tribunals and Courts to enroll him and his family was because he failed to move to the Indian Territory within the time required by law.

Further your petitioner showeth that he did come to the Indian Territory first in 1885, was here in 1888 and again in 1896 but did not move his family to the Indian Territory until during the month of October 1898; that since that time his family have been living in the Indian Territory and are now living in the Indian Territory and in the Choctaw Nation thereof.

Further your petitioner respectfully showeth that he has, since he removed to the Choctaw Nation of the Indian Territory, been recognized as a Choctaw Indian by the Tribal authorities of the Choctaw Nation; that he has held land without the payment of permits as other Indians, has voted in Tribal elections and in all ways exercised the rights of a Choctaw Indian, which rights have been conceded to him by the Tribal Authorities of the Choctaw Nation.

Further your petitioner showeth that he has many blood relatives who are now living in the Choctaw Nation and who are enrolled as members of the Choctaw Tribe of Indians and who have been enrolled as such and have selected their allotments.

Further your petitioner showeth that his Grand Father was Greenwood LeFlore who was known and recognized by all in Mississippi as a Choctaw Indian and was one of the signers of the Treaty of 1830.

Further your petitioner showeth that his mother, Rebecca C. Harris and his brothers and sisters Rebecca C. Holsey, and Rosa are also applicants for enrollment as Choctaw Indians but now reside in the State of Mississippi.

Wherefore, premises fully considered, your petitioner prays that his said application and the decision therein rendered be reconsidered and that he be enrolled as a Choctaw Indian and member

of the Choctaw Tribe and that the application of his mother and brothers and sisters, above named, is also re-considered and that they be enrolled and that his children also be by the Commissioner enrolled as Choctaw Indians by blood and that his wife be enrolled as an inter-married citizen of the Choctaw Nation, if, however, your petitioners may be mistaken in their rights herein, they respectfully pray that their said application for enrollment and the decision rendered therein be re-considered and that they be permitted to introduce proof showing that they are entitled to Identification as Mississippi Choctaws, for which they will ever pray.

Wm. L. Harris.

Subscribed and sworn to before me this the 23 day of June, 1906.

D. H. Linebaugh

Atoka, I. T.

Attorney for applicant.

Jno. H. Linebaugh.

Notary Public.

(SEAL)

DEPARTAMENTO DE
COMUNICACIONES

1911

900

G.R.

S.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 4165-1902.
6716-1904.
LRS. 12-1905.
408- "
19430-1906.
D. C. 13339-1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney General of February 19, 1907 (I.T.D. 4564-07) in the consolidated cases of Myrtie Randolph, et al., your decision denying a petition for a reopening and reconsideration of the application of William L. Harris, et al., for enrolment as citizens of the Choctaw Nation, wherein the Department on January 19, 1905 (I.T.D. 408) denied said application, is hereby affirmed, inasmuch as it appears from the record that the Choctaw and Chickasaw Citizenship Court, by its decision of October 20, 1904, denied the application of the applicants to be enrolled as citizens of the Choctaw Nation, and their petition to be identified as Mississippi Choctaws is also denied for the reason that their ancestor from whom they claim descent, Greenwood Leflore, was a beneficiary under the 19th article

instead of the 14th article of the Treaty of 1830, although he was a signatory party to said treaty.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

2 inc. to Ind Of.

W.C.F. 3/6/07.

7-2-122

Muskogee, Indian Territory, May 6, 1907.

William L. Harris,
Cadde, Indian Territory,

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for reopening and reconsideration of the application of William L. Harris et al., for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-122

Muskogee, Indian Territory, May 6, 1907.

D. H. Linebaugh,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for reopening and reconsideration of the application of William L. Harris et al., for enrollment as citizens of the Choctaw Nation.

For your information there is inclosed herewith a copy of Departmental letter of March 4, 1907, above referred to.

Respectfully,

LM 1/6.

Commissioner.

7-R-122

Muskogee, Indian Territory, May 6, 1907.

Homer & Elting,

Attorneys at Law,

Caddo, Indian Territory,

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for reopening and reconsideration of the application of William L. Harris et al., for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-122

Muskegee, Indian Territory, May 6, 1907.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior denied the motion for reopening and reconsideration of the application of William L. Harris et al., for enrollment as citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Choctaw R 122

Muskogee, Indian Territory, November 24, 1902.

Homer & Elting,

Attorneys at Law,

Caddo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 16, inclosing applications for the enrollment as citizens of the Choctaw Nation of the following named children of William L. and Lucile A. Harris:

LeFlore A. Harris, infant son, born January 21, 1900.

Lucile Harris, infant daughter, born January 6, 1902.

You are advised that on May 9, 1902, the Commission refused the application for enrollment as citizens of the Choctaw Nation of William L. Harris and Lucile A. Harris and their minor child, Robert A. Harris and they were notified of this action of the Commission. The Secretary of the Interior, however, on October 2, 1902, returned the record in this case to the Commission to be held pending the action of the new citizenship court created under the act of Congress of July 1, 1902, and the applications for enrollment of LeFlore A. Harris and Lucile Harris, being in proper form, have been filed with

H A R 2

the record in this case to be held under Departmental instructions.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 17, 1904.

W. L. Harris,

Cadde, Indian Territory,

Dear Sir:

Your letter of December 5, 1904, addressed to the Attorney-General of the United States has been by the Secretary of the Interior referred to the Commission for consideration and appropriate action. Therein you state that you are a resident of the Choctaw Nation and are Choctaw Indian by blood.

In reply to your letter you are informed that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree denying the citizenship in the Choctaw Nation of yourself and your wife, Lucille Harris. Under existing legislation the judgement of the Choctaw and Chickasaw Citizenship Court is final and the Commission is therefore without further jurisdiction in your case.

Respectfully,

Chairman.

7-R-122

Muskogee, Indian Territory, August 23, 1906.

D. H. Linebaugh,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of June 23, 1906, transmitting petition of William L. Harris, et al., for a reconsideration and reopening of their applications for enrollment as citizens of the Choctaw Nation, and the same has been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

G.R.

S.P.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 4163-1902.
6716-1904.
LBS. 12-1905.
408- "
19430-1906.
D. C. 13339-1907.

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney General of February 19, 1907 (I.T.D. 4564-07) in the consolidated cases of Myrtie Randolph, et al., your decision denying a petition for a reopening and reconsideration of the application of William L. Harris, et al., for enrolment as citizens of the Choctaw Nation, wherein the Department on January 19, 1905 (I.T.D. 408) denied said application, is hereby affirmed, inasmuch as it appears from the record that the Choctaw and Chickasaw Citizenship Court, by its decision of October 20, 1904, denied the application of the applicants to be enrolled as citizens of the Choctaw Nation, and their petition to be identified as Mississippi Choctaws is also denied for the reason that their ancestor from whom they claim descent, Greenwood Lefflore, was a beneficiary under the 19th article

instead of the 14th article of the Treaty of 1820, although he was a signatory party to said treaty.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

9 ind. to Ind Of.

W.C.F. 3/5/07.

Petition

N. L. Harris
for and in
behalf of infant
~~son~~
Alston Harris

for
Enrollment as a
Citizen of the
Choctaw Nation.

These papers received
and filed without authority
of law

FILED

AUG 28 1897

W. W. [unclear]

Tells + Chambers
Atty S. Atoka, I.T.

Central District, #
#88
Indian Territory. #

I, J. R. Ray do solemnly swear that on the 27 day of August 1897, I saw a package registered at the postoffice at Atoka, Indian Territory, addressed to Hon. Green M'Curtain, Governor or Chief of the Choctaw Nation, Sans Bois, Ind., Ter., that registry receipt, No. 62 received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of W. L. Harris, in behalf of his son Alston Harris, and of the affidavits of Mrs. Rebecca C. Harris and James C. Harris in support of same.

Subscribed and sworn to before me this the 27 day of August, 1897.

D. H. Chamberlain
Notary Public.

To the Commission to the Five Civilized tribes,

Fort Gibson, Indian Territory.

The undersigned, a citizen of the Choctaw Nation by blood, represents to your Honorable Commission that he is the identical W. L. Harris, mentioned in a certain decree, rendered in the United States Court, for the Central Judicial District, of the Indian Territory, at South McAlester, on the 25th. day of August, 1897, a copy of which said decree being hereto attached and filed herewith and marked exhibit "A", and made a part of this application; that Lucile Harris mentioned in said decree is the wife of your petitioner, W. L. Harris; that subsequent to the filing of his claim and prior to the decree therein rendered, there was born on the 27th. day of April, 1897, to your petitioner and his said wife, Lucile Harris, one child by name, **Alston Harris**, and that said child is now living.

Your petitioner would further state that inasmuch as the name of the said child was not on the original application, for enrollment, the Court held that a decree could not issue in its favor, but that the application for its enrollment should be made to the Commission to the Five Civilized Tribes.

Therefore your petitioner would respectfully ask that the name of his said child, Alston Harris, be entered upon the rolls now being prepared by your commission, as a member of the Choctaw tribe of Indians, together with the names of such persons as appear upon the decree, as filed above and referred to as exhibit "A".

In support of this application your petitioner would respectfully present the affidavits of Rebecca C. Harris, and James C. Harris, Choctaw Indians by blood, the same being filed herewith and marked exhibits "B & C" respectively.

Wherefore the premises considered your petitioner prays that his child, Alston Harris, be enrolled as a citizen by blood, of the Choctaw Nation, with all rights and privileges pertaining thereto.

Respectfully submitted.

W. L. Harris

W. L. Harris

Subscribed and sworn to before me this the 26 day of Aug., 1897.

J. H. Chambers
Notary Public.

Ex. 1

In the United States Court in the Indian Territory
Central District at South McAlester.

Rebecca C. Harris, et al,
Plaintiffs,

vs.

Judgment.

The Choctaw Nation,
Defendant.

This day this cause came on to be heard, and the court after hearing the evidence, and being fully advised in the premises, doth find that the applicant Mrs. Mrs. Rebecca C. Harris, and her sons W. L. Harris, J. C. Harris and his children, Teresa Harris and Rebecca L. Harris, are entitled to enrollment as members of the Choctaw Tribe of Indians by blood; that Lucile Harris, the wife of W. L. Harris and Alma Harris, the wife of J. C. Harris are entitled to enrollment as intermarried citizens of the Choctaw Tribe of Indians.

It is therefore ordered and decreed that they are hereby entitled to enrollment as members of the Choctaw Tribe of Indians and as such are entitled to all the rights, benefits, privileges and immunities as such citizens. The remainder of the applicants herein are denied citizenship in the Choctaw Nation.

The Clerk of this court is hereby ordered to furnish a certified copy of this decree to the commissioners to the Five Tribes and said Commission is hereby ordered to enroll the said Rebecca Harris, W. L. Harris, Lucile Harris, J. C. Harris, Alma Harris, Teresa Harris and Rebecca L. Harris, as members of the Choctaw Tribe of Indians on the rolls now being prepared by said Commission.

It is further ordered that the plaintiffs herein have and recover from and of the the Choctaw Nation all their costs in this behalf laid out and expended, for which let execution issue.

OK Gordon

I, E.J. Pannin, Clerk of the United States Court within and for the Central District of the Indian Territory do hereby certify that the above and foregoing is a true and perfect copy of a judgment this day rendered in the case of Rebecca C. Harris et al, vs. The Choctaw Nation.

Given under my hand and seal this 25th day of August, 1897.

E. J. Pannin
Clerk U.S. Court.

No. 65

Rebecca C. Harris, et al

vs
Choctaw Nation

Judgment

No. 65

Rebecca C. Harris, et al
vs
Choctaw Nation

Judgment

Central District, #
#SS.
Indian Territory. #

Ex. "B"

Before me, a notary public, in and for the Central District of the Indian Territory, personally appeared Mrs. Rebecca G. Harris, of lawful age who being duly sworn according to law states on her oath as follows to-wit:

I am 59 years of age a Choctaw Indian by blood and a resident of the Central District of the Indian Territory.

I am the mother of W. E. Harris and the grandmother of Alston Harris, whom I know to be the child of W. L. Harris a Choctaw Indian by blood and , and his wife Lucile Harris.

Said Alston Harris, is a Choctaw Indian by blood, was born on April 27 1897, and is entitled to be registered or enrolled as a citizen of the Choctaw Nation by blood.

I have no interest in the case other than justice be done.

Rebecca G. Harris

Subscribed and sworn to before me this the 26 day of Aug., 1897.

A. L. Hunter
Notary Public.

Ex "C"

Choctaw Nation, #
#88.
Indian Territory, #

Before me, a notary public, in and for the Central District of the Indian Territory, personally appeared James C. Harris, of lawful age who being duly sworn according to law, states on his oath as follows to-wit:- I am ²⁹ years of age, a Choctaw Indian by blood and a resident of the Central District of the Indian Territory. I am the brother of W. L. Harris, and know his child, Alston Harris. I know Alston Harris to be the child of W. L. Harris, ~~and~~ a Choctaw Indian by blood, and his wife Lucile Harris. Said Alston Harris, is a Choctaw Indian by blood, was born on April 27 1897, and entitled to be registered or enrolled as a citizen of the Choctaw Nation by blood. I have no interest in the case other than justice be done.

James C. Harris

Subscribed and sworn to before me this the 26 day of Aug., 1897.

C. L. Hunter

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In Re: Application of William L.
Harris, et al, for enrollment as
Choctaw Indians by blood.

Petition of William L. Harris, for
himself and his minor children
and his wife, to have the decision
heretofore rendered by the Commission re-
considered and their application for en-
rollment as members of the Choctaw
Tribe of Indians re-opened.

To the Honorable,

Commissioner to the Five Civilized Tribes:

Comes now your
petitioners William L. Harris, for himself, and for and on behalf
of his wife Lucile Harris and his minor children Robert A., Le-
Flore A. and Lucile Harris and respectfully shows to the Commissioner
that he did heretofore, to-wit: on August 24 1897 make application
to the Commission to the Five Civilized Tribes for the enrollment
of himself and children as members of the Choctaw Tribe of Indians
by blood and of his wife as an inter-married citizen of the Choctaw
Tribe of Indians; that subsequent thereto said application was
denied. That thereafter an appeal was taken by applicant to the
United States Court and therein applicant obtained a decree admitt-
ing him to citizenship and directing his enrollment by the Commission
that subsequent thereto his said case was certified to the Choctaw-
Chickasaw Citizenship Court, which said Court rendered its decision
denying his right of enrollment as a Choctaw Indian by blood and set-
ting aside, or attempting to set aside, the decision or decree
theretofore obtained in said United States Court; that said decisions
denying his right of enrollment were upon the ground that he did not
remove to and settle in the Indian Territory within the time re-

quired by law. That your petitioner verily believes, and so states it to be a fact, that all Tribunals or Courts before whom he has presented for consideration his said application have conceded that he was a Choctaw Indian but the only reason for the failure of said Tribunals and Courts to enroll him and his family was because he failed to move to the Indian Territory within the time required by law.

Further your petitioner showeth that he came to the Indian Territory first in 1885, was here in 1888 and again in 1896 but did not move his family to the Indian Territory until during the month of October 1896; that since that time his family have been living in the Indian Territory and are now living in the Indian Territory and in the Choctaw Nation thereof.

Further your petitioner respectfully showeth that he has, since he removed to the Choctaw Nation of the Indian Territory, been recognized as a Choctaw Indian by the Tribal authorities of the Choctaw Nation; that he has held land without the payment of permits as other Indians, has voted in Tribal elections and in all ways exercised the rights of a Choctaw Indian, which rights have been conceded to him by the Tribal Authorities of the Choctaw Nation.

Further your petitioner showeth that he has many blood relatives who are now living in the Choctaw Nation and who are enrolled as members of the Choctaw Tribe of Indians and who have been enrolled as such and selected their allotments.

Further your petitioner showeth that his Grand Father was Green LeFlore who was known and recognized by all in Mississippi as a Choctaw Indian and was one of the signers of the Treaty of 1830.

Further your petitioner showeth that his mother Rebecca C. Harris and his brothers and sisters Rebecca C. Holsey, and Rosa are also applicants for enrollment as Choctaw Indians but now reside in the State of Mississippi.

Wherefore, premises fully considered, your petitioner prays that his said application and the decision therein rendered be reconsidered and that he be enrolled as a Choctaw Indian and member of the Choctaw Tribe and that the application of his mother and brothers and sisters above named, be also re-considered and that they be enrolled and that his children also be by the Commissioner enrolled as Choctaw Indians by blood and that his wife be enrolled as an inter-married citizen of the Choctaw Nation, if, however, your petitioners may be mistaken in their rights herein, they respectfully pray that their said application for enrollment and the decision rendered therein be re-considered and that they be permitted to introduce proof showing that they are entitled to Identification as Mississippi Choctaws, for which they will ever pray.

W. L. Harris.

Subscribed and sworn to before me this the 22 day of June 1906.

Jno H. Linebaugh,

Notary Public.

D. H. Linebaugh,

Atoka, I. T.

Attorney for applicant.

CHOCTAW

The matter of the application
William L. Harris, et al., for en-
rollment as citizens by blood of the
Choctaw Nation and for the enrollment
Lucile Harris, as a citizen by
marriage of the Choctaw Nation.

DISMISSED

REFUSED

MAY -9 1902

COPY OF DECISION FORWARDED

APPLICANT MAY -9 1902

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS**

MAY -9 1902

COPIES FORWARDED DEPARTMENT.

MAY -9 1902

*Recd returned by
to be held pending action
final court on court cases
1904 Report to Department
OCT 21 1902*

NOTICE OF DEPARTMENTAL ACTION

**BY VERNER C. MEYER, CHIEF OF CHOCTAW
AND CHICKASAW NATIONS**

*Dec. 14, 1904. Papers returned to
admiral with reports of
Citizenship Court. General
Fitch.*

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JAN 1 5 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

JAN 2 8 1905

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

JAN 2 8 1905

*June 2, 1906. Motion for
filed.*

*August 24, 1906. Motion for rehearing
forwards to court of error*

Nov. 4/07. Motion denied by Dept.

**NOTICE OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.** **MAY 6 1907**

Choc R123

James C. Harris

Alma Harris

R123

Deposition of the 15th day of
Commission to the Five Civilized Tribes,
Cando, Indian Territory.

Commission to the Five Civilized Tribes,
Cando, Indian Territory.

In the presence of James C. Harris and family as about as
being given and examined, Commissioner as testifies as follows:

Q. What is your name? A. James C. Harris.

Q. How old are you? A. Thirty-one.

Q. When did you first come to the Territory? A. I moved to the
Territory about a month ago.

Q. With your family? A. Yes sir.

Q. You had never moved to the Territory before that time?

A. No sir, not permanently, I hadn't moved my family here until
then.

Q. You were admitted by the United States Court at South McAlester
August 24th, 1897, case number 55 as J. C. Harris were you?

A. Yes sir.

Q. Your wife is Alma Harris, also in this judgment? A. Yes sir.

Q. What is her age? A. She is thirty.

Q. There are your children? ~~Martha Theresa Harris~~ A. Yes sir.

Q. How old is she? A. Five years old.

Q. Rebecca L. Harris is your child? A. Yes sir, she is three
years old.

Q. That is all of your family? A. Yes sir, except there is a
small one.

Q. What is her name? A. Valeria.

Q. What is the date of her birth? A. October 17th, 1896.

Q. These members of your family were all with you when you moved
here last month? A. Yes sir.

Q. How long have you been in the Territory? A. About the 15th

FVK

7)r-123.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James C. Harris for the enrollment of himself and his wife Alma Harris and for his minor children Theresa, Rebecca L., and Valeria Harris as citizens of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, James C. Harris, appeared before the Commission at Caddo, Indian Territory, during its session thereat August 21 to 25, 1899, and then and there made personal application for the enrollment of himself and his wife Alma Harris, and his minor children, Theresa, Rebecca L., and Valeria Harris as citizens of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls in the possession

sion of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It appears from the records of the Commission and the evidence submitted that Rebecca C. Harris and others made an original application to this Commission in the cause entitled "Rebecca C. Harris et al., vs Choctaw Nation" (1896 Docket C, Choctaw No. 1377) on September 9, 1896, which application was by this Commission on December 8, 1896, denied; and on appeal therefrom in said cause to the United States Court, Central District, at South McAlester, on the 24th day of August, 1897, Court No. 65, the said James C. Harris, Theresa Harris (written Teresa Harris) and Rebecca L. Harris were, by a decree of said court, admitted to citizenship in the Choctaw Nation by blood, and the said Alma Harris as a citizen by intermarriage in said nation; that the said Valeria Harris was born October 17, 1898, subsequent to the decision of said court aforesaid.

It appears from the evidence submitted in this case that none of the applicants have ever lived in or moved to Indian Territory with the intent of becoming residents thereof until about a month prior to the filing of their application for enrollment with this Commission in August, 1899.

By the terms and provisions of the act of Congress of June 28, 1898, (30 Stat., 495), enacted subsequent to the date of the decree of said court admitting the applicants therein named as citizens, it is provided as follows:

-3-

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

And also the Following:

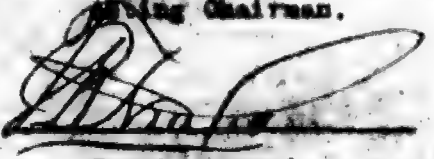
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

It is, therefore, the opinion of this Commission that James G. Harris, Alma Harris, Theresa Harris, Rebecca L. Harris and Valeria Harris are not lawfully entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, and that the application for their enrollment as such, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

Muskogee, Indian Territory, May 19, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James C. Harris, his wife Alma Harris and his three minor children, Theresa, Rebecca L., and Valeria Harris, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamm Dwyer

Acting Chairman.

1 inclosure.

Maskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James C. Harris for the enrollment of himself, his wife, Alma Harris, and his minor children, Theresa, Rebecca L., and Valeria Harris, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of James C. Harris, his wife, Alma Harris, and his minor children, Theresa, Rebecca L., and Valeria Harris, as citizens of said nation.

Respectfully,

Tamc Dancy.

Acting Chairman.

1 inclosure
Choctaw R 123.

Through the Commissioner
of Indian Affairs.

C O P Y

J. P.

DEPARTMENT OF THE INTERIOR.
Washington.

RAV.

ITD.4161-1902.

October 7, 1902.

L.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the matter of the application of James C. Harris for the enrollment of himself, his wife Alma Harris, and his minor children, Theresa, Rebecca L. and Valeria Harris, as citizens of the Choctaw Nation.

It appears that James C. Harris, Theresa Harris and Rebecca L. Harris were "admitted" to citizenship in the Choctaw Nation as citizens by blood, and that Alma Harris was admitted as a citizen by intermarriage in said nation by the United States court for the central district, Indian Territory, August 24, 1897, acting under the act of June 10, 1896 (29 Stat., 321); that Valeria Harris was born in 1898.

As it was shown that none of the applicants had established a bona fide residence in the Indian Territory prior to August, 1899, you rejected the application May 19, 1902.

The Acting Commissioner of Indian Affairs reporting

in the matter July 7, 1902, held that in view of the action of the court you were without authority to reject the application. A copy of his letter is inclosed.

As sections 31, 32 and 33 of the Choctaw and Chickasaw agreement (act of July 1, 1902, Public No. 228), provide for a Choctaw and Chickasaw citizenship court which has jurisdiction relative to the rights of these parties to citizenship in the Choctaw Nation, the papers are returned to you to be held by you in order that the matter may be readjudicated at the proper time.

Respectfully,

Thos Ryan

Acting Secretary.

RMJ

3 inclosures.

C O P Y

Refer in reply to the following:

Land
30960--1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, July 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on May 9, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of James C. Harris for the enrollment of himself, his wife Alma Harris, and his minor children Theresa, Rebecca L. and Valeria Harris as citizens by blood of the Choctaw Nation.

It appears that all the parties except Valeria Harris were admitted to citizenship by the United States Court for the Central District of the Indian Territory on August 24, 1897, and that Valeria Harris was born on October 17, 1898.

The Commission declined to place the names of any of the applicants upon the rolls because they had never resided in the Indian Territory until about July, 1899.

These parties, except one, were admitted to citizenship in the Choctaw Nation by the Court. The one not admitted was born after the admission of the parents and is therefore entitled to enrollment. The matter, in the opinion of this

office, is without the jurisdiction of the Commission or of this Department, and there is nothing left but the ministerial act of writing the names upon the Choctaw rolls and ascertain the date of the birth of said Valeria Harris. It is therefore respectfully recommended that the Commission be directed to place the names of the applicants upon the roll of the Choctaw Nation.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.V.(S)

COPY:

Choctaw X 123

Waukegee, Indian Territory, October 31, 1902.

James C. Harris,

Caddo, Indian Territory,

Dear Sir:

You are hereby advised that on October 7, 1902, the Secretary of the Interior returned the record in the matter of your application for the enrollment of yourself, your wife, Alma Harris, and your minor children, Theresa, Rebecca L., and Valeria Harris as citizens of the Choctaw Nation, together with the decision of the Commission, refusing the applications of the several persons named therein, to be held pending such action as may be taken therein by the Choctaw and Chickasaw Citizenship Court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

Respectfully,

(SIGNED):

James C. Harris

Acting Chairman.

COPY.

Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on October 7, 1902, the Secretary of the Interior returned the record in the matter of the application of James C. Harris, et al. for enrollment as citizens of the Choctaw Nation, together with the decision of the Commission refusing the application made by James C. Harris for the enrollment of himself and his wife, Alma Harris, and his minor children, Theresa, Rebecca L., and Valeria Harris, as citizens of the Choctaw Nation, to be held pending such action as may be taken in said case by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

The decision in the above entitled cause, a copy of which was forwarded you May 19, 1902, shows that James C. Harris, Theresa Harris, and Rebecca L. Harris and Alma Harris, were admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Central District of the Indian Territory, at South McAlester, on the 24th day of August, 1897 in court case Number 65.

E. E. & C. 2

and that Valeria Harris was born October 17, 1898, subsequent to the decision of said court aforesaid, but were refused enrollment by the Commission because of non-compliance with the following provision of the act of Congress of June 28, 1898:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship.

Respectfully,

(SIGNED) *Tamc Dixby.*

Acting Chairman.

Muskogee, Indian Territory, August 3, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 7, 1902, (I. T. D. 4161-1902) the Secretary of the Interior remanded the record in the matter of the application of James C. Harris for the enrollment of himself and family as citizens of the Choctaw Nation, for readjudication after the action of the Choctaw and Chickasaw Citizenship Court which has jurisdiction as to their Choctaw citizenship rights.

I now have the honor to report that James C. Harris, Alma Harris, Teresa Harris and Rebecca L. Harris are parties to a suit pending before the Choctaw and Chickasaw Citizenship Court, Case Number 110 on the South McAlester Docket, and the said Choctaw and Chickasaw Citizenship Court has not yet certified to the Commission its decree therein.

As soon as the Commission is in receipt of a certified copy of the decree of that court in case Number 110 on the South McAlester Docket, report will be made in the matter of the application of James C. Harris, et al. for enrollment as citizens of the Choctaw Nation.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Muskogee, Indian Territory, December 14, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 7, 1902, (I. T. D. 4161-1902) the Secretary of the Interior returned the record in the matter of the application of James C. Harris for the enrollment of himself, his wife, Alma Harris, and his minor children, Theresa, Rebecca L., and Valeria Harris, as citizens of the Choctaw Nation, which was forwarded by the Commission on May 19, 1902, together with the decision of that date refusing the applications, to be held until final action of the Choctaw and Chickasaw Citizenship Court as to the rights of the above named applicants.

I now have the honor to report that on October 20, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree in the case of Rebecca C. Harris, et al. versus the Choctaw and Chickasaw Nations, Case Number 110 on the South McAlester Docket, denying the right to citizenship in the Choctaw Nation of J. C. Harris, Alma Harris, Teresa Harris and Rebecca L. Harris.

The original record in the matter of the application of James C. Harris for the enrollment of himself, his wife, Alma Harris,

and his children, Theresa, Rabeson L., and Valeria Harris, as citizens of the Choctaw Nation, is herewith returned.

Respectfully,

Chairman.

Through the Commissioner
of Indian Affairs.

Choctaw R 123

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

7-R-123

WASHINGTON January 9, 1905.

Land,
82357-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith a report from the Commission to the Five Civilized Tribes, dated December 14, 1904, transmitting the record in the matter of the application of James C. Harris for the enrollment of himself and his wife, Alma Harris, and his minor children, Theresa, Rebecca L. and Valeria Harris as citizens of the Choctaw Nation.

May 19, 1902, the Commission decided adversely to all the applicants.

The record shows that the applicant, James C. Harris, appeared before the Commission in August 1899, and made personal application for the enrollment of himself and his wife, Alma Harris and his minor children, Theresa, Rebecca L. and Valeria Harris as citizens of the Choctaw Nation.

It does not appear from the record, or the records of this office, that the applicants have ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation.

It appears from the record that Rebecca C. Harris and others and made an original application for enrollment on

2--

September 9, 1896, which was denied December 8, 1896, and an appeal therefrom in said cause to the United States Court, Central District, Indian Territory, on August 24, 1897, James C. Harris, Theresa Harris and Rebecca L. Harris were admitted to citizenship by blood in the Choctaw Nation, and the said Alma Harris as a citizen by intermarriage in said Nation; that the said Valeria Harris was born October 17, 1898, subsequent to the decision of said court.

It appears from the record that none of the applicants has ever lived in or moved to Indian Territory with the intent of becoming residents thereof until about one month prior to filing their application in August, 1899.

In view of the record and of the Act of Congress of June 28, 1898 (30 Stats., 495) the approval of the Commission's decision adverse to all the applicants is recommended.

Very Respectfully,

M.M.W.
W.

C. F. Larrabee,
Acting Commissioner.

Y.P.
FHR

DEPARTMENT OF THE INTERIOR
WASHINGTON January 18, 1905.

D.C. 3435-1905.
I.T.D. 236-1905.

IRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,

Gentlemen:

October 7, 1902, the Department directed you not to consider the matter of the application of James C. Harris for the enrollment of himself, his wife, Alma Harris and his minor children, Theresa, Rebecca L. and Valeria Harris, as citizens of the Choctaw Nation, until action by the Choctaw and Chickasaw Citizenship Court was had as to the rights of these parties.

December 14, 1904, the Court rendered a decision in the case of Rebecca C. Harris, et al, vs. the Choctaw and Chickasaw Nation, and denied the right to citizenship in the Choctaw Nation of James C. Harris, Alma Harris, Theresa Harris and Rebecca L. Harris.

January 9, 1905, the Acting Commissioner of Indian Affairs, without mentioning the fact of the decision of the Citizenship Court, recommended that your decision of May 19, 1902, adverse to the applicants, be concurred in.

In view of the action of the Citizenship Court, the

2--

application for the enrollment of all the parties is hereby denied.

A copy of the Acting Commissioner's letter of January 9, 1905, is inclosed.

Respectfully,

1 inclosure.

THOS RYAN,
Acting Secretary.

'COPY.

Choctaw R 123

Muskogee, Indian Territory, January 27, 1905.

James C. Harris,

Caddo, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of January 18, 1905, affirmed the decision of this Commission dated May 19, 1902, refusing the application for the enrollment of yourself, your wife, Alma Harris, and your minor children, Theresa Harris, Rebecca L. Harris and Valeria Harris, as citizens of the Choctaw Nation.

Respectfully,

SIGNED: *Jains Bixby*

Chairman.

Chectaw R 123

COPY.

Muskogee, Indian Territory, January 27, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of January 18, 1905, affirmed the decision of this Commission dated May 19, 1902, refusing the application for the enrollment of James C. Harris, Alma Harris, Theresa Harris, Rebecca L. Harris and Valeria Harris as citizens of the Choctaw Nation.

Respectfully,

SIGNED,

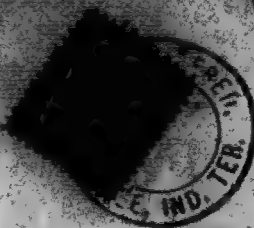
James Bixby

Chairman.

Reg 240
228

Handwritten notes in cursive script, including "present for address in house".

REGISTERED.
JUN 30 1902
CADD0, IND. TER



James C. Harris,



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

7830

3710

JUN 30 1902



MAY 27 1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON I. AINSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7-R-125

Muskogee, Indian Territory, May 19, 1902.

James C. Harris,

-Caddo, Indian Territory,

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your wife Alma Harris and your minor children, Theresa, Rebecca L., and Valeria Harris as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

USED.

OF DECISION FORWARDED
APPLICANT

MAY

MAY

RECEIVED FOR THE DEPARTMENT MAY

*Nov 7, 1902. Record returned
Department pending
court case by the
Cherokee County.*

*S. 1904 Report to Dept
1904. Record returned to Dept
report of action of Cherokee County
and Cherokee County.*

ACTION APPROVED BY
SECRETARY OF INTERIOR. JAN 18 1905

OFFICE OF DEPARTMENTAL
APPLICANT. JAN 27 1905

OFFICE OF DEPARTMENTAL ACTION
ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JAN 27 1905

R124

Joseph J. Henry, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. - 1355.

Choc R125 Mary J. Henry

R125

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Mary J. Henry for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary J. Henry.

Q How old are you? A Thirty-two.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Were your father and mother ever on the Choctaw rolls?

A Not that I know of.

Q Where have you been living? A In the Territory fifteen
years.

Q Where did you come from? A Texas.

Q Were you born and raised in Texas? A Yes sir.

Q Came here fifteen years ago, and never made application for
enrollment or admission to citizenship, neither to the Choctaw
Council nor to the Dawes Commission? A No sir.

Com'r McKennon: Enrollment is refused.

(Com'r McK:- "Apparently white.")

Department of the Interior,
Commission to the Five Civilized Tribes

I, J. B. [illegible], of my office, do hereby
certify that the foregoing is a true and correct translation of
my stenographic notes

M. J. Henry

FVK

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary J. Henry
for the enrollment of herself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant Mary J. Henry appeared before the Commission at South McAlester, Indian Territory, during its session thereat beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats. 490); neither does it appear that the applicant Mary J. Henry has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats. 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress June 28, 1898, (30 Stats., 495) in a portion of section 21 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said

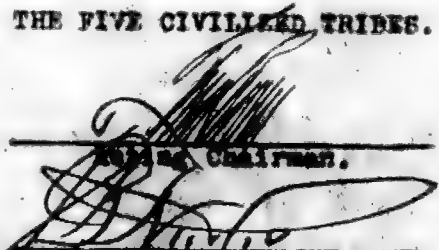
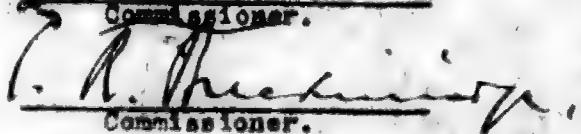
tribes."

The act of Congress of May 31, 1900, (31 Stat., 821) in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authorities heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Mary J. Henry is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

Muskogee, Indian Territory, May 19, 1902.

Manafield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary J. Henry as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary J. Henry for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Mary J. Henry as a citizen of said nation,

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 12, 1902.

The Honorable,

The Secretary of the Interior,

Sir:-

Herewith is transmitted the record of proceedings in the matter of the application of Mary J. Henry for enrollment as a Choctaw citizen. The Commission ruled adversely on this application.

From the record it appears that the Commission had no authority to enroll this applicant under the provisions of the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

E. S. S.

L.

COPY.

D.C. 10625-1902.

Y.

Department of the Interior.

I.T.D. 3711-1902.

Washington June 19, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in matter of the application for enrollment of Mary J. Henry as a citizen of the Chectaw Nation. You refused her application because she has never been enrolled or admitted as a Chectaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw R-123.

Waskagee, Indian Territory, July 1, 1902.

Mary J. Henry,

McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. D. Needles.

Commissioner in Charge.

COPY.

Choctaw R-125.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 15, 1902, refusing the application made by Mary J. Henry for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

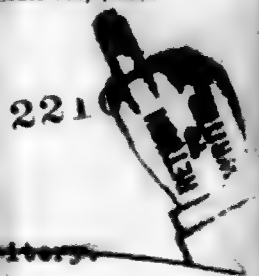
I. D. Needles.

Commissioner in Charge.

Reg ¹²⁶
121



Department of the Interior.
Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



~~Mary J. Henry,~~
~~Muskogee,~~

~~Indian Territory.~~

Unclaimed

COMMISSIONERS

HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-125.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Mary J. Henry, for the enrollment)
of herself as a citizen by blood of)
the Choctaw Nation.)

To Mary J. Henry,

McAlester, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the Corroborating witnesses, and must set forth the fact that you are a

M. J. H., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

286

268



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TEN.

OFFICIAL BUSINESS.

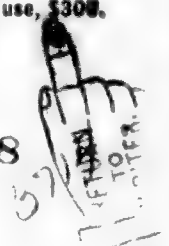
Penalty for private use, \$300.

Unclaimed

Mary J. Henry,

McAlester,

7838



Indian Territory.

COMMISSIONER
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON I. AVIESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

44-1073
REFER IN REPLY TO THE FOLLOWING

7-R-125

Muskogee, Indian Territory, May 19, 1902.

Mary J. Henry,
McAlester, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

the matter of the application
for the enrollment of Mary J. Henry
citizen of the Choctaw Nation.

REFUSED.

MAY 19

MAY 19

OF DECISION FORWARDED
TO THE ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAY 19

RECORD FORWARDED DEPARTMENT. MAY 19

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT FORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

CHOCTAW

R. 126

Richard Henry

*Record transferred to Choctaw
Card # D. 727.*

CHOCTAW

R. 127

Luanda Hidden

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 243

Choc R128 Elizabeth C. Hill

R128

Commission to the Five Civilized Tribes,
Durant, Indian Territory.

In the enrollment of Elizabeth C. Hill as an intermarried
Choctaw; being sworn and examined by Com'r McKen on she testifies:

- Q What is your name? A Elizabeth C. Hill.
- Q How old are you? A Forty-five.
- Q What is your husband's name? A William B. Hill.
- Q He is in the penitentiary? A Yes sir, at Huntsville, Texas.
- Q You have some children? A Yes sir.
- Q What are their names? A Ella May, twenty years old, she is married; Mattie C., sixteen years old; William B., fourteen years old; Laura L., twelve; that is all of my children.
- Q Have ever you and these children been upon the Choctaw rolls?
- A No sir.
- Q Your father and mother on the Choctaw rolls? A No sir, my husband was Choctaw.
- Q Was he upon the rolls? A No sir, he has never been on.
- Q Has his father and mother been upon these rolls? A I don't think they have.
- Q Where have you been living? A We have been living in the Chickasaw Nation most of the time.
- Q How long? A I came here in 1875.
- Q Have you ever made application for admission? A No sir.
- Q Didn't make application to the Dawes Commission in 1896?
- A No sir.
- Q Been living here all this time and never was recognized?
- A No sir.

Com'r McKennon: You and your family are not upon the rolls,
and we have no authority to enroll you; your enrollment will
be rejected.

Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth C. Hill for the enrollment of herself and her children, Ella May, nee Hill, Mattie C. Hill, William F. Hill and Laura E. Hill as citizens of the Choctaw Nation, and for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant Elizabeth C. Hill, appeared before the Commission at Durant, Indian Territory, at its session thereat beginning August 14, 1899 and ending August 18, 1899, and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of her minor children, Ella May, nee Hill, Mattie C. Hill, William F. Hill and Laura E. Hill as citizens of the Choctaw Nation.

It appears from the evidence submitted that the applicant Elizabeth C. Hill, is the wife of one William F. Hill, who, it is claimed by the applicant, is a Choctaw citizen; but it does not appear that the said William F. Hill was ever recognized by

-2-

the tribal authorities of the Choctaw Nation as such.

It further appears from the evidence that the applicant, Ella May, nee Hill, is twenty years of age; that Mattie C. Hill is sixteen years of age; William F. Hill is fourteen years of age, and Laura E. Hill is twelve years of age, at the time of the making of this application.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that any of the applicants or the said William B. Hill, have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that any of them have ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that none of these applicants, nor the said William B. Hill have ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that the applicant, Elizabeth C. Hill, has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the act of Congress of June 22, 1898, (30 Stats., 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant, Elizabeth C. Hill was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed for herself and children the right to identification as Mississippi Choctaws. A copy of said notice is attached to and made a part of the record in this case. No response has been made to said notice by the said principal applicant.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides:

" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes.

The act of Congress of May 31, 1900, (31 Stats. 221) in a portion of the second paragraph thereof, provides:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Ella May, nee Hill, Mattie C. Hill, William F. Hill and Laura E. Hill are not entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, and that Elizabeth C. Hill

-4-

is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory by intermarriage, and that the application for their enrollment as such, should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

7-2-1902

COPY.

Muskogee, Indian Territory, May 19, 1902.

Elizabeth G. Hill,

Norton, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and four children, Ella May, Mattie C., William F., and Laura E. Hill, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamc Bixby.

Acting Chairman.

1 inclosure.
Registered.

COPY.

Muskogee, Indian Territory, May 19, 1902.

Messrs Mansfield, McMurray and Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elizabeth C. Hill, Ella May Hill, Mattie C. Hill, William E. Hill and Laura E. Hill, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Acting Chairman.

1 inclosure.

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Elizabeth C. Hill for the enrollment of herself and her four children, Ella May, Mattie C., William F. and Laura E. Hill, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Elizabeth C. Hill, Ella May Hill, Mattie C. Hill, William F. Hill and Laura E. Hill as citizens of said nation.

Respectfully,

(SIGNED)

1 inclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to the
following:
Land.
30,950-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of Elizabeth G. Hill for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her children, Ella May, nee Hill, Mattie G., William B., and Laura B. Hill, as citizens by blood of the Choctaw Nation.

The Commission refused to enroll the applicants.

From the record it appears that Elizabeth G. Hill is the wife of William B. Hill, who, it is claimed by the applicant, is a Choctaw citizen.

It further appears from the record that neither William B. Hill, nor any of the applicants herein have ever been enrolled or recognized as Choctaw citizens.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicants.

-2-

I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(M.C.E.)

P.

D.C. 10555-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3742-1902.

WASHINGTON.

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Elizabeth C. Hill as a citizen by intermarriage, and her children, Ella May (nee Hill), Mattie C., William F. and Laura B. Hill, as citizens of the Choctaw Nation.

It appears that Elizabeth C. Hill is the wife of one William B. Hill, an alleged Choctaw citizen. You found that neither William B. Hill nor any one of these applicants has ever been enrolled or admitted as a Choctaw citizen, and you therefore refused the application. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary. RM0

1 inclosure.

COPY.

Choctaw B-128.

McKees, Indian Territory, July 1, 1902.

Elizabeth C. Hill,

Morton, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself and children, Ella May, Mattie C., William F. and Laura E. Hill, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

Commissioner in Charge.

COPY.

Choctaw R-128.

Wuskogee, Indian Territory, July 1, 1902.

Hansfield, McMurray & Sernish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Elizabeth C. Hill for the enrollment of herself and children, Ella May, Mattie C., William F. and Laura E. Hill, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

Commissioner in Charge.



Department of the Interior.

Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2189

Elizabeth C. Hill,

Durant,

Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TANG BIXBY
THOMAS E. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Choctaw No. R-128.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of }
Elizabeth C. Hill, for the enroll- }
ment of herself, and her five minor }
children, Ella May, Mattie C., Wil- }
liam F., Laura E., and William B. }
Hill, as citizens by blood of the }
Choctaw Nation. }

To Elizabeth C. Hill,

Durant, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you and your children are entitled to be identified as Mississippi
Choctaws under the act of Congress of June 28, 1898, which provides
as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses, and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior.

R. C. H., 2.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you and your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.

...the ...
...as an internal ...
...of the Choctaw Nation.

REFUSED MAY 19 1902

OF DECISION FORWARDED
APPLICANT MAY 19 1902

OF DECISION FORWARDED
JOURNEYS FOR CHOCTAW AND
CHICKASAW NATIONS
MAY 19 1902

RECORD FORWARDED DEPARTMENT
MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR JUN 19 1902

OF DEPARTMENTAL
MAILED APPLICANT. JUL -1 1902

OF DEPARTMENTAL ACTION
MAILED AT JOURNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1 1902

CHOCTAW

R. 129

Francis R. Hill

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #269

Choc R130 wane House

R130

Commission to the ... civilized ...

... Territory

Is the application of ... by ...

Q What is your name? A ...
Q How old are you? A ...
Q Have you ever been on the Cheyenne or ...
A ...
Q Your father and mother ever been on the ...
A ...
Q How did you come to the Territory ...
A ...
Q How long were you there? A ...
Q How long were you there? A ...

... refused

Department of the Interior
Bureau of Indian Affairs
Washington, D.C.
...
...

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Wane House for the enrollment of himself as a citizen of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, Wane House, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, 1899, and ending August 16, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence submitted that the applicant, Wane House, is seventeen years of age, and was born and reared in the State of Texas and has never lived in the Indian Territory more than eleven months and had only moved to the Indian Territory some two weeks prior to the date of this application.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has

never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to Choctaw citizenship by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that the applicant, Wane House, has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protecting any right the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof, within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants, born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

and also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

The act of Congress of May 31, 1900, (31 Stats. 221) in a portion of the second paragraph thereof, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Wane House is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902


Commissioner.

COPY

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Wane House for enrollment as a citizen of the Choctaw nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

David C. Carey

Acting Chairman,

1 inclosure.

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Wane House for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Wane House as a citizen of the Choctaw Nation.

Respectfully,

W. M. D. D. D.
Jame Dixey.

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(Copy)

Refer in reply to the
following:
Land.
30960-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON,

June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Wane House for enrollment as a Choctaw citizen. The Commission ruled adversely on said application.

The applicant was never enrolled or recognized as a Choctaw and therefore was not entitled to enrollment under the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

H. S. S. (H)

D.O. 10422-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3761-1902.

WASHINGTON.

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Wane House as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Choctaw 2 100.

Waskogee, Indian Territory, June 30, 1902.

Wane House,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Neasides.

Commissioner in Charge.

COPY.

Choctaw N 150.

Muskogee, Indian Territory, June 30, 1908.

Mansfield, McMurray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by Wano House for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2188

Wane Hooten

Durant,

Indian Territory.



COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

WATER IN RELY TO THE FOLLOWING

Cheotaw No. R-130.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of }
Wane House, for the enrollment of }
himself as a citizen by blood of }
the Cheotaw Nation. }

To Wane House,

Durant, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Cheotaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Cheotaw Indians claiming rights in the Cheotaw lands under article fourteen of the Treaty between the United States and the Cheotaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a

W. H., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED

7806

Wane House

Durant
RETURN
TO
E. J. P.

W. H. C. 13

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEADES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7 R 130

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, May 19, 1902.

Wane House,

Durant, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made know to you as soon as the Commission is informed of it.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

In the matter of the application
of Wane House as a
member of the Choctaw Nation.

REFUSED

MAY 19

MAY 19

MAY 19

MAY 19

ACTION APPROVED BY
SECRETARY OF INTERIOR

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

CHOCTAW.

R. 131

Sophronia E. Halland

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 447.

CHOCTAW.

R.132

Hannie Howell

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #416.

CHOCTAW.

R. 133

Thomas Howard, et al

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #130.

See also. M. C. R. 5983

& Choctaw Card #5355.

CHICAGO

R. 134

Mary Hogan

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. "421"

Choc R135 Jessie N. Holson

R135

Commission to the Five Civilized Tribes,
South McAlester, Indian Ter.

In the enrollment of Jessie N. Holson as a Choctaw; Texanna
A. Holson being sworn and examined by Com'r McKennon states:

- Q What is your name? A Texanna A. Holson.
Q How old are you? A Thirty-seven.
Q You have a child named Jessie N., a child five years old, a girl, have you? A Yes sir.
Q She is the daughter of your present husband Sam Holson is she?
A Yes sir.
Q Who is a full-blood Choctaw Indian? A Yes sir.
Q This child was born to you before he and you were ^{married} ~~admitted~~?
A Yes sir.
It is therefore an illegitimate child? A Yes sir.
Q Since her birth you have married him and are now living with him? A Yes sir.
Q you are a white woman? A Yes sir.

Com'r McKennon: She having been born to you, a non-citizen, prior to your marriage to your husband, the child would not be entitled to enrollment, and her enrollment is therefore refused.

Department of the Interior,

Commissioner of the Bureau of Indian Affairs,
Washington, D. C.
I hereby certify that this
stenographic transcript is a true and correct translation of
my stenographic notes.

W. A. Green

Muskogee, Indian Territory, December 3, 1900.

Taxanna Holson,

Wilburton, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 23rd of November in which you desire to be informed as to what action has been taken by the Commission or by the Secretary of the Interior in any way and therefore unable to understand what the number referred to by you means. 2484". The Commission has no knowledge of this case being brought before the Secretary of the Interior in any way and therefore unable to understand what the number referred to by you means. 25th, 1899.

The records of the Commission in the matter of the You are informed that the records of the Commission show that at South McAlester, Indian Territory in September, 1899, you made application for the enrollment of your daughter Jessie N. Holson as a citizen of the Choctaw Nation, claiming her to be the daughter of yourself and your husband, Sampton Holson, who appears upon the records of the Commission as a citizen by blood of the Choctaw Nation.

It appears from your testimony, however, that this child, Jessie N. Holson, was born to you prior to your marriage to your Choctaw husband and being an illegitimate child and you a white woman having no right to Choctaw citizenship by blood, her enrollment was refused at that time by the Commission.

You refer in your letter to "Secretary of the Interior No. 2484". The Commission has no knowledge of this case being brought before the Secretary of the Interior in any way and therefore unable to understand what the number referred to by you means.

The records of the Commission in the matter of the

T H S

application for the enrollment of your child Jennie Naomi Nelson
will be forwarded to the Secretary of the Interior for his approval
when the record of applicants received and filed by the Commission
in the Ojibwa Nation, is sent to him.

Yours truly,

Acting Chairman.

T-R-138

Chectaw R 133

Muskogee, Indian Territory, April 17, 1902.

Texanna A. Holson,

Wilburton, Indian Territory.

Dear Madam:

For the purpose of further considering the rights to enrollment of your minor child, Jessie N. Holson as a citizen by blood of the Chectaw Nation, you are hereby advised that the Commission will at its office at Muskogee, Indian Territory, on Monday, May 26, 1902, at nine o'clock A. M., hear the testimony of such witnesses as you may present relative to Sam Holson, your present husband, being the father of the said child.

There is enclosed you herewith a blank application for the enrollment of an infant child, which you are requested to have duly executed in the matter of the enrollment of your child, Jessie N. Holson as a citizen by blood of the Chectaw Nation.

Yours truly,

Acting Chairman.

Register.

BC

Muskogee, Indian Territory, November 22, 1904.

Texanna Holson,

Wilburton, Indian Territory.

Dear Madam:

It appears from the records of the Commission that in 1899 you appeared before this Commission and made application for the enrollment of your child Jessie N. Holson as a citizen by blood of the Choctaw Nation. You at that time stated that the father of the child was Sampson Holson, a recognized Choctaw by blood, to whom you were married after the birth of the said child. You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of said Jessie Holson as a citizen by blood of the Choctaw Nation, it will be necessary for you to produce testimony to show that the father of the said child was Sampson Holson, and for this purpose any witnesses that you may desire to have testify relative to said matter will be heard at the general office of this Commission, at Muskogee, Indian Territory.

This matter should receive your immediate attention.

Respectfully,

Chairman.

M. 7-R-135.

Muskogee, Indian Territory, November 23, 1904.

Texanna Holson,

Wilburton, Indian Territory.

Dear Madam:

It appears from the records of the Commission that in 1899 you appeared before this Commission and made application for the enrollment of your child Jessie N. Holson as a citizen by blood of the Choctaw Nation. You at that time stated that the father of the child was Sampson Holson, a recognized Choctaw by blood, to whom you were married after the birth of the said child. You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of said Jessie Holson as a citizen by blood of the Choctaw Nation, it will be necessary for you to produce testimony to show that the father of the said child was Sampson Holson, and for this purpose any witnesses that you may desire to have testify relative to said matter will be heard at the general office of this Commission, at Muskogee, Indian Territory.

This matter should receive your immediate attention.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 17, 1904.

Texana Holson,

Wilburton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 14, 1904, in which you state that your child Jessie M. Holson died about three years ago.

For the purpose of making her death a matter of record there is enclosed you herewith a blank form which kindly have executed and returned to this office as early as practicable in the enclosed envelope. In having the same executed be careful to see that all blanks are properly filled, all names written in full, and the Notary Public before whom the affidavits are acknowledged affixes his seal to each affidavit. Signatures by mark must be attested by two disinterested witnesses.

Respectfully,

Chairman.

Env. D.C.

7-R-135.

Muskogee, Indian Territory, February 16, 1906.

Texanna Holsom,

Wilburton, Indian Territory.

Dear Madam:

You are hereby notified that before any further action can be taken in the matter of the application for the enrollment of your daughter, Jessie M. Holsom, as a citizen by blood of the Choctaw Nation, it will be necessary for you to appear at the office of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, and give testimony relative to her right to enrollment as such citizen.

It will be necessary, however, before such testimony can be heard that Mansfield, McMurray & Cornish of South McAlester, Indian Territory, the attorneys for the Choctaw and Chickasaw Nations, be notified of the date of said appearance.

Respectfully,

Acting Commissioner.

7-B-135

Muskogee, Indian Territory, June 19, 1906.

Texanna Holson,

Wilburton, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavit of J. F. Evans to the death of your daughter Jessie H. Holson June 11, 1901 and the same have been filed with the record in this case.

Respectfully,

Commissioner.

7-R-135.

Muskogee, Indian Territory, April 4, 1906.

Texanna Holson,

Wilburton, Indian Territory.

Dear Madam:

On December 14, 1904, you notified this office that your child, Jessie H. Holson, an applicant for enrollment as a citizen of the Choctaw Nation, died in 1901.

In order to secure this information in proper form, there is enclosed you herewith a blank proof of death, which you are requested to have filled in, returning the same to this office at the earliest possible date.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Acting Commissioner.

LEA 4/1.
Rav.

7-R-135.

Muskogee, Indian Territory, June 7, 1906,

Texanna Holsom,

Wilburton, Indian Territory.

Dear Madam:

On December 14, 1904, you notified this office that your child, Jessie M. Holsom, an applicant for enrollment as a citizen of the Choctaw Nation, died in 1901.

In order to secure this information in proper form, there is enclosed you herewith a blank proof of death, which you are requested to have filled in, returning the same to this office at the earliest possible date.

An envelope requiring no postage is enclosed herewith for reply.

Respectfully,

Commissioner.

Encl. D. A.
Env.

7-R-135

Muskogee, Indian Territory, June 21, 1906.

Chief Clerk,
Choctaw Land Office,
Atoka, Indian Territory.

Dear Sir:

You are advised that it appearing from affidavits filed in this case that Jessie N. Holson on Choctaw card R 135 died prior to September 25, 1902, the application for her enrollment as a citizen of the Choctaw Nation has been dismissed. You will therefore eliminate the name of this applicant from the list of undetermined applicants for enrollment in the Choctaw Nation in the possession of your office.

Respectfully,

Commissioner.

7-R-135

Muskogee, Indian Territory, June 22, 1906.

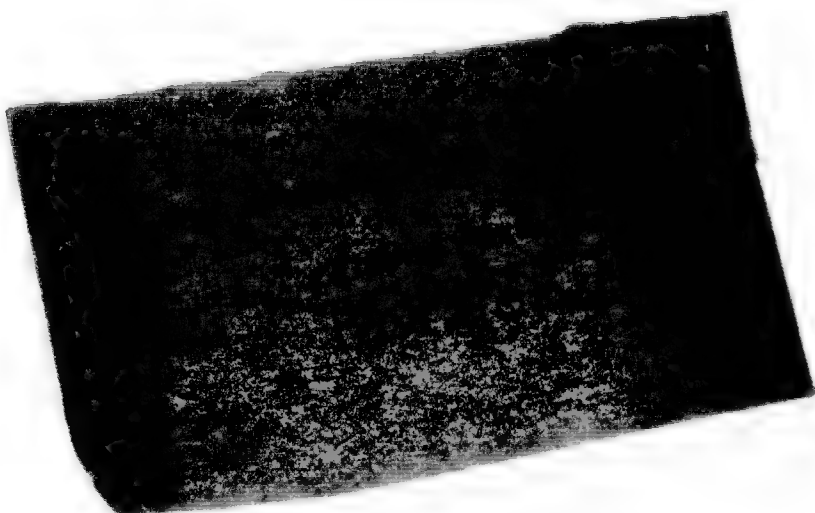
Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

You are advised that it appearing from affidavits filed in this case that Jessie N. Holson on Choctaw card R 135, died prior to September 25, 1902, the application for her enrollment as a citizen of the Choctaw Nation has been dismissed. You will therefore eliminate the name of this applicant from the list of undetermined applicants for enrollment in the Choctaw Nation in the possession of your office.

Respectfully,

Commissioner.



CHOCTAW.

R136

William Hooper

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.C.R. #2280

CHOCTAW.

R. 137

Sidney C. Hopgood

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 5503

Choc R138

R138

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of William M. Hunt for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A William M. Hunt.

Q XXX XXX XXX XXX Have you ever been on the rolls?

A No sir.

Q Have your father and mother ever been on the rolls?

A No sir.

Q You belong to the Quade family do you? A Yes sir.

Q You were in the application in 1896 weren't you? A I think so.

Q Did you hear that you were rejected? A No sir.

Q Didn't know anything about it and never made any inquiry about it? A I never heard anything about it.

Com'r McKennon: That judgment is final against you.

Department of the Interior,
Commissioner.
I hereby certify that the foregoing is a true and correct translation of the stenographic notes taken at the hearing of the application of William M. Hunt for enrollment as a Choctaw, and that this transcript is a true and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William M. Hunt
for the enrollment of himself as a citizen of the Choctaw Nation.

—

D E C I S I O N

It appears from the record in this case that the applicant, William M. Hunt appeared before the Commission at Atoka, Indian Territory, during its session thereat beginning August 28, 1899, and ending September 2, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant, William M. Hunt, has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It does not appear from an examination of the records in the possession of the Commission that this applicant, William M. Hunt, has ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); nor is there any record of any application to this Commission by or on behalf of said William M. Hunt under the provisions of the act of June 10, 1896, for citizenship in the Choctaw Nation.

Neither does it appear that William M. Hunt, the applicant herein, has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protecting any right the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats. 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Miss-

Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stat. 495), in a portion of section 21 thereof, provides:

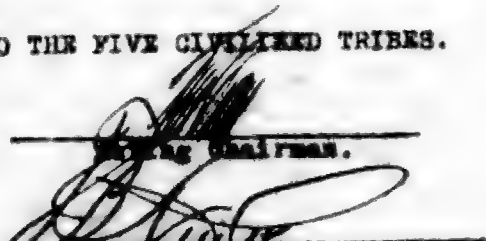
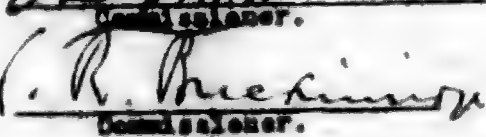
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such inter married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stat., 223) in a portion of the second paragraph thereto, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a citizen of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that William M. Hunt, is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

7-2-138.

COPY.

Waukegee, Indian Territory, May 19, 1902.

Wesley Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William W. Hunt as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

COPY.

Wuskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of William M. Hunt for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of William M. Hunt as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
No. 960-1902.

Department of the Interior.

Office of Indian Affairs.

Washington, June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of William M. Hunt for enrollment as a citizen of the Choctaw Nation.

The commission refused to enroll him.

This applicant was never enrolled or admitted as a Choctaw citizen and consequently under the provisions of the existing law the commission had no authority to enroll him.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,
A. C. Tenner,

Acting Commissioner.

(E.S.S.)
P.

COPY.

D.C.10533-1902.

P.

Department of the Interior.

T. T. D.3741-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of William M. Hunt as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

1 inclosure.

Acting Secretary.

COPY.

Chectaw R-138.

Muskogee, Indian Territory, July 1, 1902.

William M. Hunt,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNET

T. E. Woodies.

Commissioner in Charge.

COPY.

Chectaw R-138.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Chectaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior ,
under date of June 19, 1902, affirmed the decision of the
Commission, dated May 19, 1902, refusing the application made
by William M. Hunt for the enrollment of himself as a citizen
of the Chectaw Nation.

Yours truly,

(SIGNED)

E. D. Medfice.

Commissioner in Charge.

Reg 100

William

William H. Hunt,

Atoka,

Indian Territory.



Of the Interior.

Five Civilized Tribes.

IND. TER.

REGULAR BUSINESS.

Postage for private use; \$300.

2146



COMMISSIONERS
HENRY L. DAWES
TANS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Choctaw No. R-138.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
William M. Hunt, for the enroll-)
ment of himself as a citizen by)
blood of the Choctaw Nation.)

To William M. Hunt,

Atoka, Indian Territory.

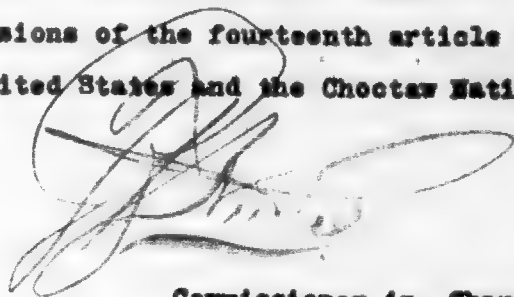
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

V. H. H., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7793

RETURN TO WRITER

25¢
Regd 2-31

William M. Hunt,

UNCLAIMED

Atoka,
Unknown *S.D.*



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7-R-136

Muskogee, Indian Territory, May 19, 1902.

William M. Hunt,
Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

for the enrollment of William H.
Hunt as a citizen of the Choctaw
Nation.

RECEIVED MAY 19 1902

RECEIVED MAY 19 1902

MAY 19 1902

RECORD FORWARDED DEPARTMENT MAY 19 1902

ACTION APPROVED BY JUN 19 1902
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1 1902

Choc R139 Amanda Hubands

R139

Commission to the Five Civilized Tribes,

Marant, Indian Territory.

In the application of Asanda Mubanks for enrollment as a Choctaw; being sworn and examined by com'r McKenna and testifies:

Q What is your name? A Asanda Mubanks.

Q How old are you? A Thirty-one.

Q Have ever you been on the Choctaw or Chickasaw rolls?

A No sir.

Q Are your father and mother? A No sir, they are living now.

Q Are they on the rolls? A No sir.

Q And never have been on the rolls? A No sir.

Q You were born and raised in Texas? A Yes sir.

Q When did you come to the Territory? A Five years ago this 1st July.

Com'r McKenna: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes:

I hereby certify, upon my official oath as stenographer to the aforesaid Commission, that this transcript is a true and correct translation of my stenographic notes.

M. D. Green

JVK

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Hubanks
for the enrollment of herself as a citizen of the Choctaw Nation.

D E C I S I O N

It appears from the records in this case that the applicant, Amanda Hubanks, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, 1899, and ending August 16, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Cho-

law Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that Amanda Hubanks has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have under the provisions of the act of Congress of June 28, 1898, as a Mississippi Choctaw, which said act reads as follows: (30 Stats., 495). Twenty-first section.

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior. "

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21, provides as follows:


" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes. "

The act of Congress of May 31, 1900, (31 Stats., 221) in a portion of the second paragraph thereof, provides as follows:

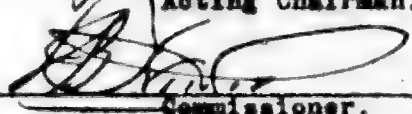
" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Amanda Hubanks is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

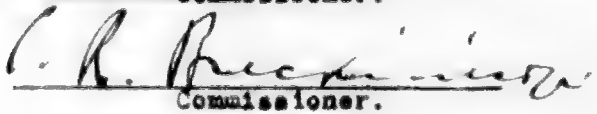
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Amanda Hubanks as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, May 19, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Amanda Hubanks for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1908, refusing the application for the enrollment of Amanda Hubanks as a citizen of said nation.

Respectfully,

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30,960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 13, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Amanda Hubanks for enrollment as a Choctaw citizen.

The commission refused to enroll her.

It appears that this applicant has never been enrolled or recognized as a Choctaw citizen.

It is therefore the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll her.

The decision of the Commission refusing enrollment appears correct and I respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

(E.S.S.)P.

A. C. Tenner,
Acting Commissioner.

COPY.

D.C.10820-1902.

F.

Department of the Interior.

I. T. D.3737-1902.

L.R.S.

Washington, June 21, 1902.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:-

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Amanda Hubanks as a citizen of the Choctaw Nation. You refused the application because applicant had never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw B-139.

Muskogee, Indian Territory, July 1, 1902.

Amanda Hubanks,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

COPY.

Choctaw R-139.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 21, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Amanda Hubanks, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2190

Amanda Hubank

Durant

Indian Territory



COMMISSIONERS
HENRY L. DAWES
TANS BIXBY
THOMAS B. NEEDLES
C. R. BRICKNIDGEE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NOTICE IN RELATION TO THE FOLLOWING

Choctaw No. R-139.

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Amanda Hubanks, for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.

To Amanda Hubanks,

Durant, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

A. H., 2.

Descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7807

Amanda Hobanks

Direct
RETURN
TO
WRITER
D. J.

COMMISSIONERS
HENRY L. DAWES
TANS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7 R 139.

Muskogee, Indian Territory, May 19, 1902.

Amenda Hubanks,

Durant, Indian Territory.

Madam;

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

the matter of the application for
the enrollment of Amanda Hubanks as
a citizen of the Choctaw Nation.

REFUSED.

MAY 10

NOTICE OF DECISION OF
THE APPLICATION

MAY 19

MAY 19

MAY

ACTION APPROVED BY
SECRETARY OF INTERIOR

JUN 21 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

CHOCTAW.

R. 140

Lizzie Folsom, et al

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. No 1 * 3711

Nos. 2, 3, & 4 * 287.

CHOCTAW R. 14

Annie Eitel.

GRANTED.

JUN 6 - 1905

CANCELLED

and transferred to

CHOCTAW 5953. JUL 17 1905

CHOCTAW

R. 142

Emily J. Inman

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. *3580

Choc R143 Sarah F. Inman

R143

Commission to the Five Civilized Tribes,

McAlester, Indian Territory,

November 17, 1899.

In the application of Sarah F. Inman for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Sarah F. Inman.

Q How old are you? A Twenty-nine.

Q You are not on any of the Choctaw rolls, and never have been?

A I don't know whether I was or not; I was taken away when I was small.

Q Were you born in the Choctaw Nation? A Yes sir.

Q How long did you live in the Choctaw Nation before you went away? A I lived here until I was about seven years old, and then I was taken to Missouri.

Q How long did you remain in Missouri? A I came back between five and six years ago; I don't recollect just what time it was.

Q Were you admitted by the Choctaw Council? A Yes sir, I went up there and saw them; they told me to leave my witnesses there; they said there was four of them that knew my people, and for me to leave the witnesses there and they would attend to it; next morning I was taken bad sick in the evening, and they had to take me back to the doctor's.

Q You don't know whether the Choctaw Council admitted you or not? A No sir, I have not seen them since.

(Applicant is advised by Com'r McKennon to investigate and ascertain if she was admitted by the Council.

Examined by A. Telle:

Q Was it the fall of 1899 that you were there? A Yes sir, that's when I was there.

Com'r McKennon: At that time the Choctaw Council didn't have any authority to receive or pass upon cases of citizenship; they could not admit you; the time had expired under the law under which they had authority to pass upon matters of that kind.

Sarah P. Inman (A2)

Q Have you any children? A Yes sir.

Q What is the name of the oldest? A Eddie, twelve years old. Mary B., ten years old; Elmer, eight years old; Maudie, six years old; Ruthie, three years old.

Com'r McKennon: As we don't find your name nor those of your children on the Choctaw rolls, and we have no evidence that you were ever admitted to Choctaw citizenship, your enrollment will be refused.

Department of the Interior,
Commissioner of Indian Civilized Tribes.
I hereby certify upon my official oath as
stenographer to the named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah F. Inman, for the enrollment of herself and her minor children, Eddie Inman, Mary E. Inman, Elmer Inman, Maudie Inman and Ruthie Inman, as citizens of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Sarah F. Inman, appeared before the Commission at McAlester, Indian Territory, on November 13, 1899, and then and there made personal application for the enrollment of herself and her minor children, Eddie, Mary E., Elmer, Maudie and Ruthie Inman, as citizens of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that none of the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of

the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission, that these applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that Sarah F. Inman has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws under the provisions of section 21 of the act of June 28, 1898, (30 Stats., 498), which reads as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The applicant, Sarah F. Inman, was on February 17, 1902, notified by registered mail that she would be allowed thirty days from that date to set forth that she claimed a right to identification

for herself and children as Mississippi Choctaws. A copy of said notice is attached to and made a part of the records in this case. No response has been made by any of the applicants to said notice.

The act of Congress of June 23, 1898, (30 Stats., 495), in a portion of section 21 thereof, reads as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes. "

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, reads as follows:

" Said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Sarah F. Inman, Eddie Inman, Mary E. Inman, Elmer Inman, Maudie Inman and Ruthie Inman, are not lawfully entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, and that the application for their enrollment as such, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

McKague, Indian Territory,

MAY 19 1902



Commissioner.

Muskogee, Indian Territory, May 19, 1908.

Sarah F. Inman,

McAlester, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and five minor children, Eddie Inman, Mary E. Inman, Elmer Inman, Maude Inman and Ruthie Inman, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Acting Chairman.

1 inclosure.
Registered.

Muskogee, Indian Territory, May 19, 1908.

Hansfield, McKurray & Cernish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Sarah P. Inman for the enrollment of herself and five minor children, Eddie Inman, Mary E. Inman, Elmer Inman, Maudie Inman and Ruthie Inman, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Sarah F. Inman for the enrollment of herself and five minor children, Eddie Inman, Mary E. Inman, Elmer Inman, Maudie Inman and Ruthie Inman, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Sarah F. Inman and her said five minor children as citizens of said nation.

Respectfully,

(SIGNED)

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to the
following:
Land.
30960--1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

WASHINGTON, June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Sarah F. Inman for the enrollment of herself and her minor children Eddie, Mary B., Elmer, Maudie and Ruthie Inman as citizens of the Choctaw Nation. The Commission refused enrollment.

As the applicants were never enrolled or recognized as Choctaw citizens, it is the opinion of this office that the Commission had no authority to enroll them.

I respectfully recommend that the decision of the Commission refusing enrollment to the applicants herein be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

M.S.S.(B.)

D.C. 10441-1902.

Y.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3763-1902.

WASHINGTON.

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Sarah F. Inman and her children, Eddie, Mary E., Elmer, Maudie and Ruthie Inman, as citizens of the Choctaw Nation. You refused the application for the reason that none of the applicants has been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

END

1 inclosure.

COPY

Chectaw R 243.

Muskogee, Indian Territory, June 30, 1903.

Sarah F. Inman,

Mollister, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1903, affirmed the decision of the Commission, dated May 19, 1903, refusing the application made by you for the enrollment of yourself, and your minor children Eddie, Mary E., Elmer, Maudie and Ruthie Inman as citizens of the Chectaw Nation.

Yours truly,

SIGNED

T. D. Needles.

Commissioner in Charge.

COPY.

Choctaw N 142.

Muskogee, Indian Territory, June 30, 1902.

Manfield, McMurray & Gornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Sarah F. Inman for the enrollment of herself and her minor children Eddie, Mary B., Elmer, Maudie and Arthur Inman as citizens of the Choctaw Nation.

Yours truly,

SIGNED:

T. D. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, April 18, 1903.

Sarah Florence Inman,

Bower, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of April 13, asking if your name still appears upon the rolls, and in reply you are advised that it appears from our records that on May 19, 1902, the Commission refused the application for enrollment of Sarah F. Inman and her five minor children, and she was notified of this action of the Commission and on the same date the record in the case was forwarded to the Secretary of the Interior for review. On June 19, 1902, the Secretary of the Interior affirmed the decision of the Commission rejecting this application, and notice thereof was, on June 30, 1902, mailed the applicant. Both of the letters above referred to have been returned undelivered, and are again forwarded you on this date.

Respectfully,

Chairman.

letter of the application
enrollment of Sarah F. Inman
four children, Eddie Inman,
Inman, Elmer Inman, Maudie Inman,
Inman, as citizens of the
Nation.

REFUSED.

MAY

OF DECISION FOR...
APPLICANT

MAY

MAY

MAY

ATION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

ICE OF DEPARTMENTAL
ON MAILED APPLICANT.

JUN 30 1902

VICE OF DEPARTMENTAL ACTION
WARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

CHOCTAW.

R. 144

Clum Jackson

*Record transferred Choctaw
Card # 5333*

Choc R145 Susan Jackson

R145

R. 145

CHOCTAW

In the matter of the application
of Susan Jackson for enrollment as
a citizen by blood of the Choctaw
Nation.

REFUSED 12

COMM. DECISION BY MAY 12 1902
ACTION REVERSED BY MAY 12 1902
CHICKASAW NATION

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY JUN 12 1902
SECRETARY OF INTERIOR.

NOTICE OF LEGISLATIVE ACTION
ACTION MAILED APPLICANT. JUN 27 1902

NOTICE OF LEGISLATIVE ACTION
FORWARDED AT BUREAU OF CHOCTAW
AND CHICKASAW NATION. JUN 27 1902

Commission to the Five Civilized Tribes,
Tushkahoma, Indian Territory.

October 12, 1899.

In the application of Susan Jackson for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Susan Jackson.

Q How old are you? A Forty-seven.

Q You were born and raised in the Territory? A Yes sir.

Q Never lived anywhere else? A No sir. I have went into Texas on business lots of times.

Q How long would you stay in Texas? A I didn't stay a long time, just on business trips.

Q Never lived anywhere else except here? A No sir.

Q You were never admitted by the council of the Choctaw Nation?
A No sir.

Q Never enrolled? A No sir.

Q How much Indian blood do you say you have? A I don't know sir; my mother always told me she was a full-blood; she died when I was young.

Q Wasn't your father a colored man? A I don't know sir, I never did see him.

Q Did you never know anything about that, never heard whether he was or wasn't? A No sir, I never did; if she ever said anything to me about it I was small and couldn't remember it.

Com'r McKennon: We have no authority to enroll you; if you are not on the rolls we have no authority to do anything for you, and your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. [Signature]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susan Jackson for the enrolment of herself as a citizen by blood of the Choctaw Nation.

DECISION.

It appears from the record in this case that the applicant, Susan Jackson, appeared before the Commission at Tushkahoma, Indian Territory, on October 12, 1899, and then and there made personal application for the enrolment of herself as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the secretary of the Interior."

the applicant was, on the 17th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response was made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

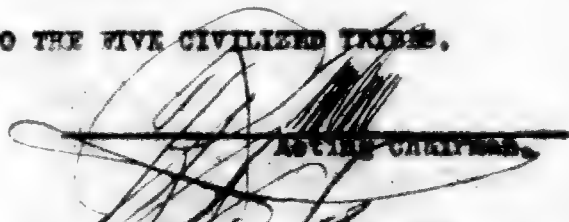
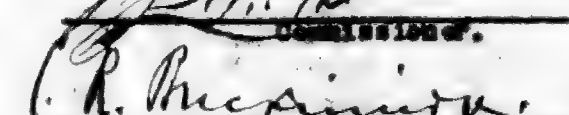

"Said commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stat., 221),
in a portion of the second paragraph thereof, reads as follows:

"That said commission shall continue to exercise all authority heretofore conferred on it by. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Susan Jackson is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory and that her application therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 12 1902

Chester 2-145.

COPY.

Muskogee, Indian Territory, May 12, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Jackson as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James Bixby.

Acting Chairman.

1 enclosure.
Chester 2-145.

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Susan Jackson for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 12, 1902, refusing the application for the enrollment of Susan Jackson as a citizen of said nation.

Respectfully,

SIGNED

Tams Plaxby.

Acting Chairman.

1 enclosure.
Choctaw B-145.

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land
29240-1902

Washington, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Susan Jackson for enrollment as a citizen of the Choctaw Nation.

The application was refused by the Commission.

From the record it appears that the applicant made no claim as a Mississippi Choctaw; that she had never been enrolled by the tribal authorities or admitted by the Commission or by decree of the United States Court; that her name did not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

The Commission held that under the provisions of the existing law it had no authority to enroll said applicant. It is the opinion of this office that the decision of the Commission was correct and I respectfully recommend that the said decision be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER.

Acting Commissioner.

(H.S.S.) P.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Washington.

June 12, 1902.

I.T.D. 3380-1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Susan Jackson as a citizen by blood of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Chester 11 143

Kuskogee, Indian Territory, June 27, 1902.

Saman Jackson,

Tushkahoma, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. E. Needles.

Commissioner in Charge.

Choctaw R 143

Muskogee, Indian Territory, June 27, 1902.

Wainfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Susan Jackson for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. J. Jackson

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Susan Jackson,

Tushkahoma,

Indian Territory.

2649

Original in Journal

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R-145.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Susan Jackson, for the enrollment of)
herself as a citizen by blood of)
the Choctaw Nation.)

To Susan Jackson,

Tushkahoma, Indian Territory.

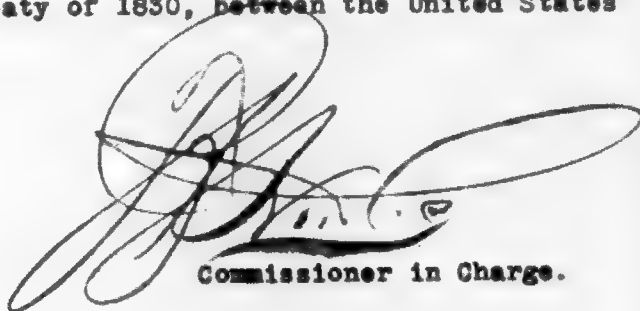
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you are entitled to be identified as a Mississippi Choctaw
under the Act of Congress of June 28, 1898, which provides
as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians claiming
rights in the Choctaw lands under article fourteen of
the treaty between the United States and the Choctaw
Nation, concluded September twenty-seventh, eighteen
hundred and thirty, and to that end may administer
oaths, examine witnesses and perform all other acts
necessary thereto, and make report to the Secretary of
the Interior."

Such affidavit must be sworn to by yourself, and by the cor-
roborating witnesses, and must set forth the fact that you

S. J., 2.

are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop and a long horizontal stroke extending to the right.

Commissioner in Charge.

Register.

Reg 143
138



*Return to Mr.
Unknown*

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

7440

8489



~~Postmaster, Muskogee, Ind.~~

145

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBE.

FILED

JUL 7 1902

[Signature]

ACTING CHAIRMAN

2270



40 June 1902

COMMISSIONERS

HENRY L. DAWES.
TAMS BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R-145.

Muskogee, Indian Territory, May 12, 1902.

Susan Jackson,
Tushkahomma, Indian Territory.

Dear Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure.
Choctaw R-145.
Registered.

Choctaw R 143

Muskogee, Indian Territory, June 11, 1902.

George P. Ewing,

Postmaster,

Tushkahomma, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing letter of Susie Bond relative to the forwarding of a letter addressed to Susan Jackson, to Susie Bond as she has sometimes been known by the name of Susan Jackson. You state that this girl's name is Bond.

As our letter addressed to Susan Jackson was intended for a woman who would now be about fifty years of age, it is evident that the same should not be delivered to Susie Bond, and you are requested to return the same to this office in the event you are unable to deliver it to the person to whom addressed.

The letter of Susie Bond enclosed in your letter, is returned herewith.

Yours truly,

Enc Y-1

Commissioner in Charge.

Choc R146

SUSIE JACKSON

R146

Commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the enrollment of Susie Jackson as a Choctaw; being sworn
and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Susie Jackson.
Q How old are you? A Forty-one.
Q What do you claim, Choctaw or Chickasaw? A Choctaw.
Q Was your mother a Choctaw? A Yes sir.
Q Where did she live? A In the Choctaw country.
Q What was her name? A Sarah.
Q Where have you been living? A In the Territory, down on the
line.
Q Did you live in Arkansas? A No sir, only just to visit over
in there; I live in the Choctaw Nation on the Arkansas line.
Q What was your father? A He was a Burton; I never saw him;
some of them said he was a kind of brown-skinned man.
Q Where did your mother live? A She lived down east, near the
line.
Q You never have been on the Choctaw rolls? A No sir.
Q They were not on the Choctaw rolls? A I don't remember.

Com'r McKennon: As you are not on the Choctaw rolls, your
enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I, _____, upon my official oath as
Commissioner of the Five Civilized Tribes, do hereby certify that this
is a true and correct translation of
my stenographic notes.

M. J. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susie Jackson for the enrollment of herself as a citizen of the Choctaw Nation.

--: D E C I S I O N :--

The record in this case shows that the applicant, Susie Jackson, appeared before the Commission at Caddo, Indian Territory, during its session thereat beginning August 21, 1899, and ending August 25, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant herein, Susie Jackson has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of section twenty-one of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without law

authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any persons for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Susie Jackson is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 12 1902

COPY.

7 R 146.

Winkoogee, Indian Territory, May 19, 1902.

Manufield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susie Jackson as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman,

1 inclosure.

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Susie Jackson for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Susie Jackson as a citizen of said nation.

Respectfully,

Acting Chairman,

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30,960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Susie Jackson for enrollment as a Choctaw citizen.

The commission refused to enroll her.

The name of this applicant does not appear on any of the Choctaw rolls and she was never enrolled or recognized as a Choctaw citizen.

It would therefore appear that under the existing law the commission had no authority to enroll this applicant and I respectfully recommend that the decision of the commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(E.S.E.) P.

COPY.

D.C.10536-1902.

7.

Department of the Interior.

I.T.D.3736-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Susie Jackson as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted to Choctaw citizenship. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

E. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw B-146.

Muskogee, Indian Territory, July 1, 1902.

Susie Jackson,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw B-146.

Waskoge, Indian Territory, July 1, 1902.

Manfield McMurtry & Gornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Susie Jackson, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. E. Needles.

Commissioner in Charge.

Reg 90
86

Present-Address unknown



Department of the Interior.

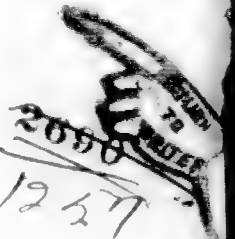
Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Susie Jackson 1257
Caddo.
I.T.



FEB 7 1902



W-1013

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-146

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Susie Jackson, for the enrollment of)
herself as a citizen by blood of)
the Choctaw Nation .)

To Susie Jackson,
Caddo, Indian Territory.

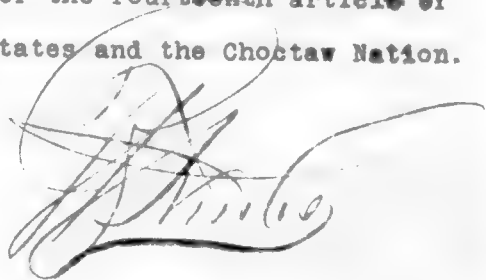
You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a

S. J., 2.

Descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is positioned to the right of the main text block.

Commissioner in Charge.

Register.

Reg 233
227



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

7799

Lucie Jackson

Waddo

S. J.

MAY 24 1902



COMMISSIONERS
HENRY L. DAVES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON I. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7 R 146.

Muskogee, Indian Territory, May 19, 1902.

Susie Jackson,
Caddo, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

In the matter of the application for
the enrollment of Susie Jackson as
citizen of the Choctaw Nation.

MAY 19

NOTICE OF DEPARTMENTAL ACTION
FILED

MAY 19

MAY 19

MAY 19

ACTION APPROVED BY
SECRETARY OF INTERIOR, JUN 19

NOTICE OF DEPARTMENTAL ACTION
ACTION MAILED APPLICANT, JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS, JUL -1 1902

CHOCTAW.

R. 147

Amanda C. Jamison

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #364

CHOCTAW.

R 148

Wilburn Jones, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. Q. R. #310

CHOCTAW.

R. 149

Elmira Jones

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. * 244

choc R150

R150

Commission to the Five Civilized Tribes,

Cando, Indian Territory.

In the application of Eliza Jones for enrollment as a Choctaw,
she, sworn and examined by Genl. McKesson she testified as follows

Q What is your name? A Eliza Jones.

Q How old are you? A Thirty-three.

Q Where are you living? A I live here.

Q How long have you lived here? You all made application to
the Dawes Commission in 1896? A Yes sir.

Q And were rejected? A Yes sir.

Genl. McKesson: That judgment is final against you; you
are not on the rolls at all.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official duties,
that Eliza Jones is a Choctaw, and that she
is entitled to the same rights and privileges as
other Choctaws.

McKesson

Muskogee, Indian Territory, February 17, 1908.

In the matter of the application of
Elisa Jones, for the enrollment of
herself as a citizen by blood of
the Choctaw Nation.

To Elisa Jones,

Caddo, Indian Territory.

You are hereby notified that you will be
allowed thirty days from the date hereof, to submit to this Commission
an affidavit, corroborated by two witnesses, showing that you are en-
titled to be identified as a Mississippi Choctaw under the Act of Con-
gress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to de-
termine the identity of Choctaw Indians claiming
rights in the Choctaw lands under Article fourteen
of the Treaty between the United States and the
Choctaw Nation, concluded September twenty-seventh,
Eighteen Hundred and Thirty, and to that end may
administer oaths, examine witnesses and perform
all other acts necessary thereto, and make report
to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

E. J., 2.

descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth Article of the Treaty of 1830, between the United States and the Choctaw Nation.

RECORDED

T. B. Needles.

Commissioner in Charge.

Register.

7-R-160.

O.L.J.

DEPARTMENT OF THE INTERIOR .

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application of Eliza Jones for enrollment as a citizen of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record in this case that Eliza Jones appeared before the Commission at Cadde, Indian Territory, during the month of August, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of the Commission, that said applicant has ever been admitted to Choctaw citizenship by a duly constituted court of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 321).

The applicant in her testimony stated that she made application to the Commission in 1896 for admission to citizenship in the Choctaw Nation and that her application was rejected, but upon an examination of the records in the possession of the Commission, the name of the applicant is not found upon the lists of persons applying for admission to citizenship in said nation under said Act of June 10, 1896.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provision of the Act of Congress approved June 28, 1898, (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on February 17, 1902, notified by registered mail

-2-

that she would be allowed thirty days from the date thereof within which to set forth that she claimed for herself a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. Said notice was returned to this Commission unclaimed.

It is therefore the opinion of this Commission that the application for the enrollment of Eliza Jones as a citizen of the Choctaw Nation should be denied under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 19 1905

Choctaw R 150

COPY.

Muskogee, Indian Territory, January 19, 1905.

Eliza Jones,

Caddo, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 19, 1905, denying your application for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Jam's Dixey

Registered.

Chairman.

Incl. 7-R-150.

Choctaw R-150.

COPY.

Muskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 19, 1905, denying the application for the enrollment of Eliza Jones as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

Tamm Bixby

CHAIRMAN.

Incl. 7-R-150.

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the matter of the application for the enrollment of Eliza Jones as a citizen of the Choctaw Nation, including the decision of the Commission, dated January 19, 1905, denying said application.

Respectfully,

SIGNED,

James Bixby

CHAIRMAN.

Through the
Commissioner of Indian Affairs.

3 Incl. 7-R- 130.

Land:
8873-1905.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, March 22, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, date January 19, 1905, transmitting the record of the application made in August, 1899, for enrollment as a citizen of the Choctaw Nation by Eliza Jones.

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has never been admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal; that no prior application has been made and that she has failed to embrace the opportunity afforded her to claim identification as a Mississippi Choctaw.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. M.
W.

COPY:

DEPARTMENT OF THE INTERIOR

WASHINGTON

G.R.
LLB

D.C. 17191-1905.
I.T.D. 2976-1905.

March 31, 1905.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Eliza Jones for her enrollment as a citizen of the Choctaw Nation, including your decision dated January 19, 1905, adverse to the applicant.

March 22, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to the applicant be affirmed. A copy of his letter is herewith inclosed.

The Department concurs in the recommendation made and your decision dated January 19, 1905, adverse to the applicant is hereby affirmed.

Respectfully,

1 inclosure.

E. A. Hitchcock
Secretary.

Choctaw R-180.

COPY.

Muskogee, Indian Territory, April 11, 1905.

Eliza Jones,

Caddo, Indian Territory,

Dear Madam:

You are hereby notified that on March 31, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1905, denying your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,
SIGNED

T. B. Needles.

Commissioner in Charge.

Choctaw B-150.

COPY.

Muskogee, Indian Territory, April 11, 1905.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on March 31, 1905, the Secretary of the Interior affirmed the decision of this Commission, rendered January 19, 1905, denying your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,
SIGNED

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, April 8, 1902.

R. T. Jones,

Wapanucka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you state that the name of Eliza Jones should be changed to Lorene Jones and also state that you signed on that date for registered letter.

You are requested to return the communication of the Commission to this office as the same was intended for Eliza Jones and not for your wife, Lorene Jones.

Yours truly,

Commissioner in Charge.

Charles H. ...
Judgment written January 31, 1901.
B.C.J.

JUN 7 1902 DECISION PREPARED
REFUSED.

DECISION RENDERED JAN 19 1905
COPY OF DECISION FORWARDED
APPLICANT JAN 19 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS JAN 19 1905

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR
MAR 31 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
APR 11 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 11 1905

CHOC R151

Lou Jones

R151

Commission to the Five Civilized Tribes,

Durham, Indian Territory.

In the application of J. A. Jones for enrollment as a Choctaw;
being sworn and examined by Com'r McKenna and testifies:

Q What is your name? A J. A. Jones.

Q How old are you? A Forty-four.

Q Are you on the Choctaw rolls? A No sir.

Q Were your father and mother ever enrolled here? A No sir
they are dead.

Q Where are you living? A In Texas now.

Q You never have come to the Territory? A Yes sir I lived
here two years, seven years ago.

Q But you have been living the balance of the time in Texas?

A Yes sir.

Q All of your life? A No sir, I have been back and forth
in the Territory.

Com'r McKenna: A Enrollment is refused.

Secretary of the Interior,
Commission to the Five Civilized Tribes,
I hereby certify that my official oath as
strengthened by the fact that I have seen the original
transcript of the deposition of J. A. Jones, and that this
is a correct translation of the original.

M. D. Shaw

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

In the matter of the application of Lou Jones for the enrollment of herself as a citizen of the Cheetaw Nation.

D E C I S I O N .

The record in this case shows that the applicant, Lou Jones, appeared before the Commission at Durant, Indian Territory, at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Cheetaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheetaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cheetaw Nation, nor does her name appear upon any of the tribal rolls of the Cheetaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cheetaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Cheetaw Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from the evidence that the applicant had not, prior to June 28, 1898, removed to and in good faith settled within Indian Territory.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 17th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221)

provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Lou Jones is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory.

MAY 12 1902

COPY.

Chester R-151.

Muskogee, Indian Territory, May 12, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lou Jones as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Tamr Bixby

Acting Chairman.

1 enclosure.
Chester R/151.

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Lou Jones for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Lou Jones as a citizen of said nation.

Respectfully,

(SIGNED) *Tams Dixby.*

Acting Chairman.

1 enclosure.
Choctaw N-151.

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land }
29240-1902 }

Washington, May 28, 02.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for Departmental consideration, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Lon Jones as a citizen of the Choctaw Nation.

From the record it appears that the applicant has never been enrolled or in any way recognized as a Choctaw citizen; that he has never heretofore made application for Choctaw citizenship; that he does not make claim as a Mississippi Choctaw and that he is a non-resident of the Nation in which he claims citizenship.

It is the opinion of this office that the Commission had no authority to enroll said applicant and I therefore respectfully recommend that its decision on this application be approved.

Very respectfully,
Your obedient servant,
A. C. TONNER,
Acting Commissioner.

(H.S.S.) P.

C O P Y.

D.C.10113-1902

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 3382-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Lou Jones as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a citizen of the Choctaw Nation. A copy of the Acting Commissioner of Indian Affairs' letter of May 28 recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Chester R 161

Muskogee, Indian Territory, June 27, 1908.

Lou Jones,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Chectaw 2 181

Muskogee, Indian Territory, June 27, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Lou Jones for the enrollment of herself as a citizen of the Chectaw Nation.

Yours truly,

SIGNED

J. B. [illegible]

Commissioner in Charge.



Department of the Interior

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2191

Lon J. ...

Durant,

Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw No. R-151

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Lou Jones for the enrollment of her-)
self as a citizen by blood of the)
Chootaw Nation.)

To Lou Jones,

Durant, Indian Territory,

You are hereby notified that you will
be allowed thirty days from date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Chootaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Chootaw Indians
claiming rights in the Chootaw lands under
article fourteen of the treaty between the
United States and the Chootaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Chootaw Indians who resided in the State of Missis-

L. J., 2,

ippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Department of
Education to the F
MUSKOGEE.
OFFICIAL BU
Penalty for private

Low Jones.

Indian Territory.

UNCLAIMED

4/11/1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-151.

Muskogee, Indian Territory, May 12, 1902.

Lou Jones,

Durant, Indian Territory.

Dear Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure.
Choctaw R-151.
Registered.

R. 151

CHOCTAW

In the matter of the application
of Lou Jones for enrollment as a
citizen of the Choctaw Nation.

REFUSED MAY 12 1902

COPIES OF DECISION FORWARDED
APPLICANT

MAY 12 1902

U.S.
ATT
CHICKASAW

MAY 12 1902

RECORD FORWARDED DEPARTMENT,
MAY 12 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 12 1902

NO
ACTION MAY 27 1902

NOT
FORMA

CHOCTAW.

R. 152

David R. Johnson.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. * 240

Choc R153 Winona Kendall

R153

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify under my official seal as
stenographer to the said Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of Winona Kendall for enrollment as a Mississippi Choctaw; being John B. Kendall being sworn and examined by Com'r McKennon testifies as follows:

- Q What is your name? A John B. Kendall.
- Q How old are you? A Thirty-eight.
- Q You are the husband of Winona Kendall? A Yes sir.
- Q What is her age? A Twenty-three.
- Q What degree of blood has she? A One-eighth.
- Q How long has she been in the Territory? A We have been here a little over two years this time.
- Q Where did you come from? A Jackson, Tennessee.
- Q How long did you live in Jackson, Tennessee? A She was born and raised there.
- Q She is not on the Choctaw rolls? A No sir.
- Q Never has been? A No sir.
- Q Nor her father and mother are not on the Choctaw rolls in the Choctaw Nation here? A No sir. Her father moved out here and then moved back, years ago.
- Q Your wife was never in Mississippi was she? A Yes sir, she was in McNair County. She was born in McNair County, Mississippi, and raised in Tennessee.
- Q When did she leave Tennessee? A She was about a year old when she moved to McNair County Mississippi from Tennessee. My wife is sick, and cannot appear in person, and that's why I appear for her.

Com'r McKennon: She is not on the rolls here, and does not come within our instructions as a Mississippi Choctaw, and her enrollment will be refused.

7-R-153.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

In the matter of the application for the identification of Winona Kendall as a Mississippi Choctaw.

--oOo--

--: D E C I S I O N :--

--oOo--

It appears from the record in this case that John B. Kendall appeared before this Commission, at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and made application for the identification of his wife, Winona Kendall, as a Mississippi Choctaw.

The record herein shows that Winona Kendall is an one-eighth Choctaw by blood and was born in McNair County, Mississippi, in about the year 1876.

From the evidence submitted in support of said application and the records in the possession of the Commission, it does not appear that the applicant herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896.

For the purpose of protecting any rights the applicant herein might have as a Mississippi Choctaw under the following provision of the act of Congress approved June 10, 1896, (29 Stats., 321):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior;"

the applicant was, on April 28, 1902, notified by registered mail, that she would be allowed thirty days from that date within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. Said notice was, on May 31, 1902, returned to this Commission unclaimed.

The record herein further shows that the applicant is too young to have been living in 1830, and fails to show the name

of any ancestor through whom she claims as a Mississippi Choctaw who could have been living in 1830. Although she had had more than four years to secure evidence to show who said ancestors were, she has not offered to submit such additional proof.

It is, therefore, the opinion of this Commission that the applicant Winona Kendall is not entitled to enrollment as a citizen by blood of the Choctaw Nation, and that her application for enrollment as such should be denied, and it is so ordered.

It is the further opinion of this Commission that the evidence herein is insufficient to determine the identity of Winona Kendall as a Choctaw Indian entitled to rights under the provisions of article fourteen of the treaty of 1830, and that her application for identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Chairman.
Commissioner.
Commissioner.

Muskogee, Indian Territory,

JAN 19 1905

COPY.

Muskogee, Indian Territory, April 28, ¹⁹⁰⁷~~1898~~.

In the matter of the application
of Winona Kendall for the enrollment
of herself as a citizen of
the Choctaw Nation.

Winona Kendall,

South McAlester, Indian Territory.

Dear Madam:

You are hereby notified that you will be allowed thirty days from the date hereof within which to submit to this Commission your affidavit, corroborated by two witnesses, setting forth the fact that you are entitled to be identified as a Mississippi Choctaw, under the act of Congress of June 28, 1898, which provides as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Miss-

V K

Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

Yours truly,
SIGNATURE

T. B. Needles.

Commissioner in Charge.

Register.

Choctaw R-153.

COPY.

Muskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 19, 1905, denying the application for enrollment of Winona Kendall as a citizen by blood, of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

The decision, with a copy of the proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Yours,

James Bixby

CHAIRMAN.

Incl. 7-R-153.

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record in the matter of the application for the enrollment of Winona Kendall as a citizen by blood of the Choctaw Nation, and also for identification as a Mississippi Choctaw, including the decision of the Commission, dated January 19, 1905, denying said application.

Respectfully,

Yours,

Jame Dixby
CHAIRMAN.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-R-153.

D. C. #8036

C O P Y

G.R.

DEPARTMENT OF THE INTERIOR,
Washington. LRB
I.T.D. 1232-1905. February 13, 1905.
L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Winona Kendall for her identification as a Mississippi Choctaw, including your decision of same date, adverse to applicant.

The record submitted shows that applicant's husband, John B. Kendall, appeared for her before the Commission at South McAlester, I. T., at its session beginning September 4, 1899, and ending September 13, 1899. It appears therefrom that applicant, Winona Kendall, is a one-eighth Choctaw by blood; was born about 1876 in McNair County, Miss., was raised in Tennessee, and emigrated from Jackson, Tenn., about 1897 to the Indian Territory.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the act of Congress approved June 10, 1896 (29 Stat., 321), providing for the identification of Choctaw Indians claiming rights in the Choctaw lands under Art. 14 of the Treaty of September 27, 1830, the Commission

(2)

on April 28, 1902, over 2 1/2 years after the hearing had on her application, notified applicant by registered letter, addressed to her at South McAlester, that she would be allowed 30 days from that date within which to adduce evidence as to her identification as a Mississippi Choctaw. Said notice was returned to the Commission May 31, 1902, unclaimed. Now there is nothing in the record to show what was the address of applicant, other than the fact that she came from Jackson, Tenn., nor were any facts brought out on the examination by the Commission as to applicant's ancestry.

In view of the fact that the notice to applicant was not made for more than 2 1/2 years after the hearing had on her application, and then to an address not shown by the record to have been the correct address of applicant, as proven by the notice being returned unclaimed, and no examination as to applicant's ancestry being shown in the record, the Department is unwilling to pass upon the merits of the case upon so meagre a record, wanting as to the most essential facts as to her ancestry, and therefore remands the record to the Commission with instructions to use every effort to ascertain the present address of applicant, if in Indian Territory or Jackson, Tenn., and when said address is ascertained to afford her an opportunity to be heard and produce evidence in support of her claim as a Mississippi Choctaw.

The record is returned through the Indian Office.

Respectfully,

THOS RYAN
Acting Secretary.

1 inclosure.

C O P Y

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land.
5870-1905.

Washington, February 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for identification as a Mississippi Choctaw by Winona Kendall.

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is an one-eighth Choctaw by blood and was born in McNair County, Mississippi, about the year 1876.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

The record shows that the applicant is too young to have been living in 1830, and fails to show the name of any ancestor through whom she claims as a Mississippi Choctaw who could have been living in 1830.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.7072-1905.

June 17, 1905.

LRS

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Winona Kendall for her identification as a Mississippi Choctaw, including your decision of same date adverse to the applicant.

February 13, 1905 (I.T.D.1232), the Department remanded the record with instructions to ascertain the correct address of applicant and allow her an opportunity to introduce additional evidence in support of her claim.

June 3, 1905, you retransmitted the remanded record in the above case with the information that after notice to applicant at Jackson, Tenn., no appearance was made by her nor additional evidence taken in the matter.

June 10, 1905, the Acting Commissioner of Indian Affairs in retransmitting the remanded record, renewed the former recommendation of his office that your decision adverse to the applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision dated January 19, 1905, refusing to identify Winona

Kendall as a Mississippi Choctaw is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

(COPY)

Refer in reply to
the following:

Land.
43826-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

June 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of February 13, 1905
(I.T.D.1232-1905), I have the honor to enclose a report from
the Commission to the Five Civilized Tribes, dated June 3,
1905, transmitting the remanded record in the Mississippi
Choctaw identification case of Winoba Kendall.

I have the honor to renew my recommendation of February
2, 1905 (Land 5870-1905) approving the decision of the Commis-
sion adverse to the applicant.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

~~7-2-102~~
7-R-103
Muskogee, Indian Territory, June 27, 1905.

Winona Kendall,

COPY.

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of June 17, 1905, affirmed the decision of this Commission dated January 19, 1905, denying the application for your enrollment as a Choctaw by blood and also for identification as a Mississippi Choctaw.

Respectfully,

SIGNED

Tamc Bixby

Chairman.

~~7-2-10-3~~
7-R-10-3

Muskogee, Indian Territory, June 27, 1905.

COPY.

Winona Kendall,

Jackson, Tennessee,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of June 17, 1905, affirmed the decision of this Commission dated January 19, 1905, denying the application for your enrollment as a Choctaw by blood and also for identification as a Mississippi Choctaw.

Respectfully, *Tamo Bixby*

SIGNED.

Chairman.

7-R-153

Muskogee, Indian Territory, June 27, 1905.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of June 17, 1905, affirmed the decision of this Commission, dated January 19, 1905, denying the application for the enrollment of Winona Kendall as a citizen by blood of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

Respectfully,

SIGNED

James D. Dancy

Chairman.

D. C. #8038

C O P Y

G.R.

DEPARTMENT OF THE INTERIOR,
Washington. LRS

I.T.D. 1832-1905.

February 13, 1905.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Winona Kendall for her identification as a Mississippi Choctaw, including your decision of same date, adverse to applicant.

The record submitted shows that applicant's husband, John B. Kendall, appeared for her before the Commission at South McAlester, I. T., at its session beginning September 4, 1899, and ending September 13, 1899. It appears therefrom that applicant, Winona Kendall, is a one-eighth Choctaw by blood; was born about 1876 in McNair County, Miss., was raised in Tennessee, and emigrated from Jackson, Tenn., about 1897 to the Indian territory.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the act of Congress approved June 10, 1896 (29 Stat., 321), providing for the identification of Choctaw Indians claiming rights in the Choctaw lands under Art. 14 of the Treaty of September 27, 1830, the Commission

(2)

on April 28, 1902, over 2 1/2 years after the hearing had on her application, notified applicant by registered letter, addressed to her at South McAlester, that she would be allowed 30 days from that date within which to adduce evidence as to her identification as a Mississippi Cheetaw. Said notice was returned to the Commission May 31, 1902, unclaimed. Now there is nothing in the record to show what was the address of applicant, other than the fact that she came from Jackson, Tenn., nor were any facts brought out on the examination by the Commission as to applicant's ancestry.

In view of the fact that the notice to applicant was not made for more than 2 1/2 years after the hearing had on her application, and then to an address not shown by the record to have been the correct address of applicant, as proven by the notice being returned unclaimed, and no examination as to applicant's ancestry being shown in the record, the Department is unwilling to pass upon the merits of the case upon so meagre a record, wanting as to the most essential facts as to her ancestry, and therefore remands the record to the Commission with instructions to use every effort to ascertain the present address of applicant, if in Indian Territory or Jackson, Tenn., and when said address is ascertained to afford her an opportunity to be heard and produce evidence in support of her claim as a Mississippi Cheetaw.

The record is returned through the Indian Office.

Respectfully,

THOS. HYAN

Acting Secretary.

1 inclosure.

C O P Y

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land.
5870-1905.

Washington, February 2, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for identification as a Mississippi Choctaw by Winona Kendall.

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant is an one-eighth Choctaw by blood and was born in McNair County, Mississippi, about the year 1876.

It does not appear that the applicant has ever been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

The record shows that the applicant is too young to have been living in 1830, and fails to show the name of any ancestor through whom she claims as a Mississippi Choctaw who could have been living in 1830.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.H.M. (V)

Muskogee, Indian Territory, March 8, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

It appears from our records that John B. Kendall appeared before the Commission at South McAlester, Indian Territory, in September, 1899, and made application for the identification of his wife, Winona Kendall, as a Mississippi Choctaw.

For the purpose of protecting any rights she might have as a Mississippi Choctaw under the Act of Congress approved June 10, 1896 (29 Stats., 321), she was notified by registered mail on April 28, 1902, that she would be allowed thirty days from that date within which to set forth that she claimed a right to identification as a Mississippi Choctaw. Said notice was, on May 31, 1902, returned to this office unclaimed.

On January 19, 1905, the Commission rendered a decision refusing said application, and on the same date forwarded the decision together with the record in said application to the Secretary of the Interior for his consideration.

With departmental letter of February 13, 1905 (I T D 1232-1905), the record in this case was remanded with instructions

M McM & C 2

that the applicant be afforded an opportunity to produce evidence in support of her claim for identification as a Mississippi Choctaw, inasmuch as she has never made a personal application for such identification.

In accordance with such departmental instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Monday, April 10, 1905, at nine o'clock A. M., hear the testimony of Winona Kendall and such witnesses as may present themselves in person, and receive for consideration such documentary evidence as the applicant may desire to offer in support of her application for identification as a Mississippi Choctaw.

Copy of departmental communication of February 13, 1905, is herewith enclosed for your information.

Respectfully,

Commissioner in Charge.

Registered.

McM 91

Muskogee, Indian Territory, June 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

On January 19, 1905, the Commission transmitted the record of the application of Winona Kendall for identification as a Mississippi Choctaw, together with its decision of the same date, refusing said application.

The Department with its letter of February 13, 1905 (I T D 1232-1905), returned the record in the above mentioned application, with instructions that said applicant be notified that she would be allowed to introduce additional testimony and evidence in support of her claim as a descendant of a beneficiary under the 14th article of the Choctaw treaty of September 27th, 1830.

In accordance with such instructions, Winona Kendall, the applicant, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, were notified by registered mail on March 8, 1905, that the Commission would, at its office at Muskogee, Indian Territory, on Monday, April 10, 1905, at nine o'clock A. M., hear the testimony of such witnesses as might present themselves in person and receive for consideration such docu-

mentary evidence as might be offered in support of this application.

No appearance having been entered by or on behalf of the applicant, and no additional testimony having been offered by her, the original record in said case, together with copies of notice furnished applicant and attorneys for the Ghostaw and Chickasaw Nations, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

McM 3/1

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

7-R-153

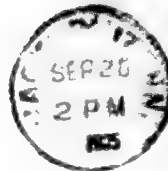
7-R-153

Unclaimed

FILED
SEP 30 1905

Name not in Directory.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, IND. TER.



Jackson Tennessee.

MEXICO
SEP 28
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/900

RECEIVED

AUG 3
1944
RECEIVED

COMMISSIONERS
TAMM BERRY,
THOMAS B. NEEDLES,
C. B. BRACKINRIDGE.

WM O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

Choctaw R 153

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 19, 1905.

Winona Kendall,

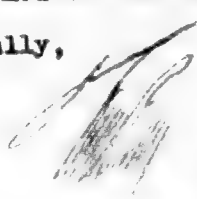
South McAlester, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 19, 1905, denying your application for enrollment as a citizen by blood of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,



Chairman.

Registered.

Incl. 7-R-153.

COMMISSIONERS
TAMM BERRY,
THOMAS S. HINDLES,
C. E. BRUCEWIDGE.

WM. O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4170A

REPLY IN COPY TO THE FOLLOWING:

7 R 153

AGREEMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 8, 1905.

Winona Kendall,
Jackson, Mississippi.

Dear Madam:

It appears from our records that your husband, John B. Kendall, appeared before the Commission at South McAlester, Indian Territory, in September, 1899, and made application for your identification as a Mississippi Choctaw.

For the purpose of protecting any rights you might have as a Mississippi Choctaw under the Act of Congress approved June 10, 1896 (29 Stats., 321), you were notified by registered mail on April 28, 1902, that you would be allowed thirty days from that date within which to set forth that you claimed a right to identification as a Mississippi Choctaw. Said notice was, on May 31, 1902, returned to this office unclaimed.

On January 19, 1905, the Commission rendered a decision refusing your application, and on the same date forwarded said decision together with the record in your application to the Secretary of the Interior for his consideration.

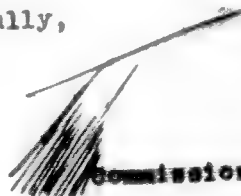
With departmental letter of February 13, 1905, (I T D 1232-1905) the record in your case was remanded with instructions that you be afforded an opportunity to produce evidence in support

W K 2

of your claim as a Mississippi Choctaw, inasmuch as you have never made a personal application for such identification.

In accordance with such departmental instructions you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Monday, April 10, 1905, at nine o'clock A. M., hear your testimony and the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as you may desire to offer in support of your application for identification as a Mississippi Choctaw.

Respectfully,



Commissioner in Charge.

Registered.

Chairman

Us
Choctaw Nation

July 12-1902 DECISION PREPARED

REFUSED

DECISION REVERSED

JAN 19 1905

COPY OF DECISION FORWARDED

APPLICANT

JAN 19 1905

sent within 30/90/
COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JAN 19 1905

RECORD FORWARDED DEPARTMENT.

and returned on Feb 20/05
Department for the hearing
JAN 19 1905

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 17 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 28 1905

ACTION OF DEPARTMENTAL ACTION
MAILED PARTIES HEREIN.

JUN 28 1905

Choc R154

minnie I. Kirkendall

R154

394



Department of the Interior.
Bureau of Indian Affairs.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



Minnie I. Kirkendall,

South-Motkester,

Indian Territory.

UNCLAIMED.



COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS S. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

W.C.A.
REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-154

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of)
Minnie I. Kirkendall for the enroll-)
ment of herself as a citizen by)
blood of the Choctaw Nation.)

Minnie I. Kirkendall,

South McAlester, Indian Territory,

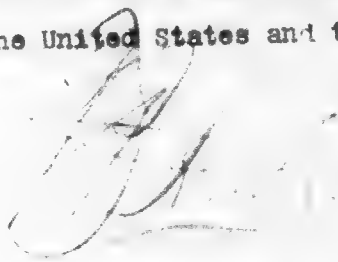
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the

M. I. K., 2.

corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Reg 790



Department of the Interior.

Commissioner to the Five Civilized Tribes.
MURKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



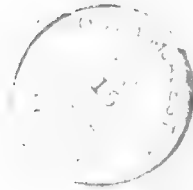
7433

Minnie I. Kirkendall,

~~South McAlester,~~

Indian Territory.

UNCLAIMED.



40 May 1902

COMMISSIONERS

HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R-154

Muskogee, Indian Territory, May 9, 1902.

Minnie I. Kirkendall,

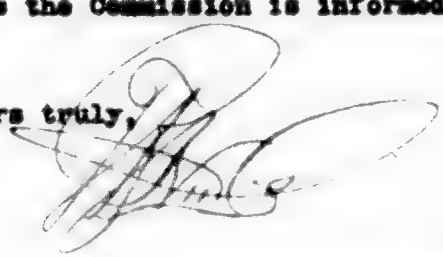
South McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 inclosure
Choctaw R-154
Registered.

CHOCTAW

In the matter of the application
Minnie I. Kirkendall for enrollment
as a citizen by blood of the Choctaw
Nation.

REFUSED MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. MAY -9 1902

RECORD FORWARDED DEPARTMENT.
MAY -9 1902

ACTION APPROVED SECRETARY OF INTERIOR. JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 23 1902

Commission to the Five Civilized Tribes,
South McAlester, Ind. Ter.

In the application of Minnie I. ~~Kirkland~~ Kirkendall for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

- Q What is your name? A Minnie I. Kirkendall.
- Q How old are you? A Twenty-three.
- Q Have ever you been on the Choctaw rolls? A No sir.
- Q Have your father and mother ever been on the Choctaw rolls? A No sir.
- Q Where are you living? A In Oklahoma.
- Q How long have you been living there? A Ten years.
- Q Are you still living there? A Yes sir.

Com'r McKennon: Enrollment is refused.
("Apparently white".)

Department of the Interior,

Commission to the Five Civilized Tribes
South McAlester, Ind. Ter.
I hereby certify that the foregoing is a true and correct
transcription of the deposition of Minnie I. Kirkendall
my stenographic notes

J. L. [Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----00-----

In the matter of the application of Minnie I. Kirkendall
for the enrollment of herself as a citizen of the Choctaw Nation.

D E C I S I O N.

The record in this case shows that the applicant, Minnie I. Kirkendall, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes,

that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from the evidence that the applicant had not, prior to June 28, 1898, removed to and in good faith settled within Indian Territory.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"No persons shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 16th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has

been made by the applicant to said notice.

The act of Congress of June 26, 1898, (30 Stats., 498) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Minnie I. Kirkendall is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY -9 1902


Acting Chairman.


Commissioner.


Commissioner.

Choctaw R-154

COPY.

Muskogee, Indian Territory, May 9, 1902.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie I. Kirkendall as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

MINED

I. B. Needles.

Commissioner in Charge.

1 inclosure.
Choctaw R-154

COPY.

Choctaw N-154.

Muskogee, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Minnie I. Kirkendall for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Minnie I. Kirkendall as a citizen of said nation.

Respectfully,

SIGNED: *I. B. Needles.*

Commissioner in Charge.

1 inclosure.
Choctaw N-154

Through the Commissioner
of Indian Affairs.

COPY

D. C. No. 10011-1902.

34089

F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D.3460-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of application for enrollment of Minnie I. Kirkendall as a citizen of the Choctaw Nation. You refused the application as applicant has never been duly enrolled or admitted to Choctaw citizenship. A copy of the Acting Commissioner of Indian Affairs' letter of June 2, 1902, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

RMD

1 inclosure.

COPY

Refer in reply to
the following:
Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Minnie D. Kirkendall for enrollment as a Choctaw citizen.

From the record it appears that the applicant is not a resident of the Choctaw Nation, and that she has never been enrolled or recognized as a Choctaw citizen.

It is the opinion of this office that under the provisions of the existing law the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission refusing enrollment to this applicant be approved.

Very respectfully,
Your obedient servant,
A. C. TONNER,
Acting Commissioner.

(E.S.S.)P.

COPY.

CHOCTAW.
~~Doc. R.~~ 154.

Muskogee, Indian Territory June 23, 1902.

Minnie Kirkendall,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *I. E. Needles.*

Commissioner in Charge.

COPY.

CHOCTAW.
-SEN. R. 124.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McMurtry & Cornish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior,
under date of June 9, 1902, affirmed the decision of the Commission,
dated May 9, 1902, refusing the application by Minnie Kirkendall,
for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

Choc R155 John Kirk

R155

Commission to the Five Civilized Tribes,

Walla Walla, I.T., Nov. 14, 1899.

In the application for the enrollment of John and W.C. Kirk;
as Choctaws; Novella Blackburn being sworn and examined by Com'r
McKennon testimony as follows:

Q What is your name? A Novella Blackburn.

Q How old are you? A Thirty.

Q You are a white woman? A Yes sir.

Q You say you have two children; what are their names? A John
and Kirk and W.C. Kirk.

Q How old is John? A Fourteen years old.

Q How old is the other? A She is twelve years old.

Q Application was made for them in 1896 to the Dawes Commission
and they were rejected? A Yes sir; they was overlooked; we
had no attorney whatever.

Q They were rejected by the Dawes Commission? A Yes sir.

Q That judgment was not appealed from? A No sir.

Com'r McKennon: That judgment is absolutely final against
them, and their enrollment is of course refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. A. Green

STATE OF TEXAS.
RED RIVER COUNTY.

To any Judge of the County or District Court, Regularly
Licensed or Ordained Minister of the Gospel, or any Justice of the
Peace in and for said County of Red River,

CHOCETING:

You are hereby authorized to celebrate the
RITES OF MATRIMONY between J. C. Kirk and A. H. Harris and make due
return to the Clerk of the County Court of said County within Sixty
days thereafter certifying your action under this License.

Witness my official signature and seal of office at
office in Clarksville this 29th day of January, A. D. 1884.

(Signed) A. P. Corley

(Seal).

Deputy Clerk.

I. T. T. Martin hereby certify that on the 30th day of
January, A. D., 1884, I united in Marriage J. C. Kirk and A. H. Davis
the parties above named. Witness my hand this 30 day of January,
A. D. 1884.

Signed T. T. Martin.

The State of Texas }
County of Red River }

I, Jas. G. Wright, County Clerk in and for Red
River County, Texas, do hereby certify that the foregoing is a true
and correct copy of a marriage license as appears of record in my
Office in Vol. B, on Page 397 Record of Marriages of said County.
Given under my hand and seal of office this the 26th day of August,
1884. (Signed) Jas. G. Wright, County Clerk, Red River Co., Texas
By F. M. Smith, Depty,

(Seal)

(2).

Endorsed on Back. "1878---Class 2. Marriage License J. G. Kirk and
A. N. Davis. Issued Jan'y 30th, 1884. A. P. Corley Co. Clerk
by.....Deputy. Recorded in Book E. Page 397, Marriage Records.
A. P. Corlet, Clerk.

Department of the Interior, Received Oct. 2, 1899,
No. 2827. Indian Territory Division. Department of the Interior
Jan. 6, 1900, returned with No. 86-1900 Enclosure 1, Ind. Ter. Div.

Indian Territory }
Southern District. }

In the matter of the application for enrolment as citizens of the Choctaw Nation of Amanda N. Blackburn, John C. Kirk and Malinda C. Kirk on this the 26th day of June, 1899 before me a notary public in and for said District and Territory, Willie Duke (alias Willis Suchy) and Hawkins Seeley, the former of Jesse I.T. and who by me being first duly sworn did upon their respective oaths state and depose as follows:

That they were personally each well acquainted with John C. Kirk in his life time and who was the father of said John R. and Malinda Kirk and the husband of Amanda N. Blackburn; that they knew said John C. Kirk when he was a small boy in the Choctaw Nation; that he was a Choctaw Indian by blood and they knew him by the name of John Parker and his mother's name was May Parker; That was her Indian name but she married a white man by the name of Kirk who went off to the war and never come back. May Parker had two children a boy and a girl. We do not know what become of the girl. We saw John Kirk the father of said John R. and Malinda Kirk often until he moved from our part of the Nation to near Purcell, I. T. We knew him after he married Amanda Blackburn nee Davis the mother of the children of John R. and Malinda Kirk. After they were married they lived for over three years in the same neighborhood with us and we were at their house frequently and we saw the said children after they were born and knew them to be the children of said John Kirk whom we knew as a boy by the name of Parker. He took the name of Kirk after his father when he became a grown man. John Kirk (Alias Parker) was undoubtedly a Choctaw Indian. Our mother was a sister of May Parker's mother and we always called John Kirk (Parker) a cousin of ours. He looked like an Indian. He was dark skinned black straight hair and brown eyes.

(Signed) Billie Duke (Billie Duke)

his
(Signed) Hawkins x Seeley
mark.

Witness to mark:

T. H. Palmett.

Subscribed and sworn to before me on this this 26th
day of June, 1899.

T. H. Palmett.

Notary Public.

(Seal.

(Endorsed on back. "Department of the Interior, received
Jan. 6, 1900. No. 56. Indian Territory Division. Affidavit of Billy
Duke." "1021. Department of the Interior, Received Oct. 2, 1899,
No. 2827, Indian Territory Division. John R. Kirk et al. vs. Choctaw
Nation. Affidavit by Billie Duke and Hawkins Seeley."

Indian Territory

Southern District.

on this the 21st day of July 1899.

personally appeared before me a Notary Public in and for said District and Territory J R Davis and E.J.Davis Residents of the Chickasaw Nation Indian Territory and stated in relation to the Choctaw Citizenship of J R Kirk and Malinda. Kirk Orphan children of J C Kirk deceased as follows. That He (J C KIRK) lived in the house with them for Two years in Texas and they lived with him in the Choctaw and Chickasaw Nation for five years. that he died in April 1891. at percell Chickasaw Nation and was burried at Purcell Chickasaw Nation and That they taken his children and taken care of them for Six years in Oklahoma. And I J R Davis brought them back to Stonewall Chickasaw Nation in August 1897. To be enrolled by the Daw's Commission and they were rejected by said commission because they were not found upon the Indian enrollment. and it was stated by Bill Bowlin. that their names had been torn from the enrollment by and through the directions of Palmer Mosby Governor of the Chickasaw Nation. also and that said children have been attending the Indian Schools at Colberts and Paula Valley before and since said rejection. And they further state that they first became acquainted with Their Grand father who was a white man. formed said acquaintance in the Choctaw Nation near where Antler now is in the year sixty two or Three and that Kirk volanteered in the United States Army and died in Little Rock Arkansas during the War. and Their mother died in 1863. Her maiden names was Annie Parker. and they further State that said J.C.Kirk now deceased (who was the Father of J.R.Kirk and Malinda Kirk) was taken care of by Ches.Payne a white man who taken him down on Red River with whom he lived for three or four years he then went back to Choctaw Nation and afterwards lived with them for two years. in Red River County Texas Prior to his Marriage with Novellon Davis Their Daughter. They also state that when he was with the Indians

(2)

that he was known as John Parker, or John Counter Parker, Parker being the maiden name of his mother.

And I J. R. Davis further state that I went with J. C. Parker to Atoka in time of the payment of the Annuity in the year 1889., and he drew his annuity and his Citizenship was not questioned nor disputed. He draw said money in the name of Parker which was the name of his mother Prior to her Marriage with Kirk.

And they also state that the Mother of J. C. Kirk alias J. C. Parker was a full Blood Choctaw Indian

(Signed) J. R. Davis his mark.
(Signed) E. J. Davis x

Subscribed and sworn to before me this the 21st day
of July 1899.

(Signed) A. B. Swanson

Notary Public (Seal).

Indian Territory

Southern District.

On this the 20th day of July 1899, personally appeared before me a Notary Public in and for said District and Territory Richard Duran and Nancy Underwood Citizens of the Chickasaw Nation Indian Territory and stated in relation to the Choctaw Citizenship of J. R. Kirk and Malinda Kirk orphan Children of J. C. Kirk deceased as follows That they knew J. C Kirk and his Mother in the Kimishi Mountains in the Choctaw Nation Indian Territory that his mother was a full blood Choctaw, Indian and that her maiden name was annie parker and that She died in time of the Rebellion between the states in the year 1863. and that J.C Kirk deceased drew money in 1889, in the Choctaw Nation at Atoka in the name of Parker his mothers names before Marriage. and They further state that the said J. R. Kirk and Malinda Kirk whose names appear in in this affidavit are the Identical persons desiring enrolment before the Dawes Commission Indian Territory and that they are the Children of J. C. Kirk Deceased, whose Indian name was Jhen Parker of by which he was known among the Indians.

(Signed) Richard Duran X his mark

(Signed) Nancy Underwood X her mark.

Subscribed and sworn to before me this the 20th day of July 1899.

(Signed) A. B. Swanson. Notary
Public.

(Seal).

Endorsed on back: "Department of the Interior Received Jan. 6, 1900
No. 56 Indian Territory Division. John R. Kirk et al vs. Choctaw
Nation affidavits."

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.

Henry L. Dawes
Tame Rixby
Archibald S. McKennon
Thomas B. Needles.

—
Allison L. Aylesworth, Secretary.

Muskogee, Indian Territory, June 25 1900.

Mr. John R. Davis,
Pontotoc, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of June 16th, in which you ask information in regard to the enrollment of John and Malinda Kirk. You are advised that the enrollment of these children was refused by this Commission on November 14, 1899, for the reason that they had applied to the Dawes Commission for citizenship in 1896 and had been by this Commission rejected, and no appeal having been taken to the United States Court, this decision became final.

Yours truly,

Acting Chairman.

In reply to this letter,
please refer to 7-R 156.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

In the matter of the application of John R. Kirk and his sister, Malinda Kirk, for the enrollment of themselves as citizens by blood of the Choctaw Nation.

---: D E C I S I O N :---

The record in this case shows that on November 12, 1899, the applicant, John R. Kirk, appeared before the Commission at McAlester, Indian Territory, and there and then made personal application for the enrollment of himself and his minor sister, Malinda Kirk, as citizens by blood of the Choctaw Nation.

It appears from the records of this Commission that Amanda Kirk filed the original petition for the admission of John R. Kirk and his sister, Malinda Kirk, children of John C. Kirk, as citizens of the Choctaw Nation with the Commission under the provisions of the act of Congress of June 10, 1896. (29 Stat., 821).

Under this act the applicants submitted their rights as citizens of the Choctaw Nation for adjudication to the Commission to the Five Civilized Tribes, and in Choctaw case Number 25,

(2).

the Commission denied the applicants citizenship in the Chickasaw tribe, and no appeal was prosecuted therefrom to the United States Court in Indian Territory, and the rights of applicants as Chickasaws became res adjudicata.

Applicants now ask to be enrolled as citizens of the Choctaw Nation, and the evidence shows that they are the children of John C. Kirk, a Choctaw Indian by blood, and it further shows that John C. Kirk's name was never on any of the rolls of said tribe, nor was he ever recognized by any of the tribal authorities as a citizen of said nation, nor does it appear that said John C. Kirk, the father of these applicants, was ever admitted to citizenship by the legally constituted authorities of said Choctaw Nation.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that neither of the applicants have ever been admitted to citizenship in the Choctaw nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 321), *supra*.


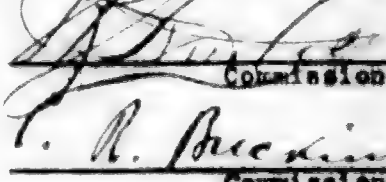
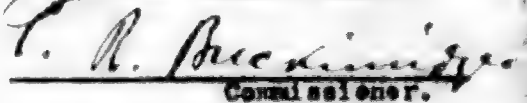
(3).

The act of Congress of June 28, 1898, (30 Stats., 495) provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is therefore, the opinion of this Commission that John R. Kirk and Malinda Kirk are not lawfully entitled to be enrolled as members of the Choctaw Tribe of Indians in the Indian Territory, and that their application as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

C. R. Buchanan
Commissioner.

Muskogee, Indian Territory,

APR 14 1902

Choctaw R 158

COPY.

Muskogee, Indian Territory, April 14, 1902.

John R. Kirk,

Pontotoc, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor sister, Malinda Kirk, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

James Birney.

Acting Chairman.

Enc Y 33

Register.

COPY

Muskogee, Indian Territory, April 14, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John R. Kirk and Malinda Kirk as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Tams Dixey.*

Enc Y-87

Register.

COPY.

Muskogee, Indian Territory, April 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of John R. Kirk for the enrollment of himself and his minor sister, Malinda Kirk, as citizens of the Cheotaw Nation, including the decision of the Commission, dated April 14, 1902, refusing the application for the enrollment of John R. Kirk and Malinda Kirk as citizens of said nation.

Respectfully,

SIGNED: *Tams Bixby.*

Acting Chairman.

Enclosure.

Through the Commissioner
of Indian Affairs.

Dawes Com. No. 8355

Copy

Refer in reply to the following.

Land.
22947-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, April 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 23, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of John R. Kirk for the enrollment of himself and his minor sister, Malinda Kirk as citizens of the Choctaw Nation.

The Commission reports that Mr. Kirk appeared before the Commission on November 13, 1899 and made the application in question, and also reports in effect that same is an original application made subsequent to September 8, 1896 and that therefore the applicants are not entitled to be enrolled.

The office agrees with the Commission's conclusions and respectfully recommends that it be advised that its decision is affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER.

Acting Commissioner.

WCV
D

3 inclosures.

Copy

Dawes Com. No. 8355

29217

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 2603-1902.

May 14, 1902.

L.R.S.

Commission to the Five Civilized Tribes

Muskogee, I. T.

Gentlemen:

April 24, 1902, the Acting Commissioner of Indian Affairs transmitted the record in matter of application for enrollment of John R. and Malinda Kirk as citizens by blood of the Choctaw Nation - R 155 - and recommended that your decision dated April 14, 1902 be approved.

You found that the Commission acting under the act of June 10, 1896 (29 Stat., 321), denied the right of the applicants to be enrolled as Chickasaw citizens, and that no appeal was taken from such decision; that John C. Kirk a Choctaw Indian by blood and the father of the applicants herein was never enrolled or admitted to citizenship in the Choctaw Nation; and that it does not appear that either of the applicants was ever enrolled or admitted to citizenship in said nation. You rejected the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.
FMD

1 inclosure.

COPY.

Choctaw R 155

Muskogee, Indian Territory, May 24, 1902.

John R. Kirk,

Pontotoc, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 14, 1902, affirmed the decision of the Commission, dated April 14, 1902, refusing the application made by you for the enrollment of yourself and minor sister, Malinda Kirk, as citizens of the Choctaw Nation.

Yours truly,

SIGNED

James L. Dyer

Acting Chairman.

COPY.

Chester A 135

Waskogen, Indian Territory, May 24, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 14, 1902, affirmed the decision of the Commission, dated April 14, 1902, refusing the application of John R. Kirk, of Pentoteo, Indian Territory, for the enrollment of himself and minor sister, Malinda Kirk, as citizens of the Chectaw nation.

Yours truly,

(SIGNED).

John D. Doby.

Acting Chairman.

Commission to the Five Civilized Tribes,

McAlester, Indian Territory.

November 13, 1899.

In the application of John R. Kirk and sister for enrollment as
Choctaws; being sworn and examined by Com'r McKennon he states:

Q What is your name? A John R. Kirk.

Q How old are you? A Fourteen.

Q Where were you born and raised? A I was born in the Choctaw
Nation.

Q Have you lived there all of your life? A Most all of my
life.

Q Where did you live besides that? A In Oklahoma.

Q How long? A About six years.

Q When did you come back to the Choctaw Nation from Oklahoma?

A About five years ago.

Q You had been six years there and returned here five years ago
from Oklahoma? A Yes sir.

Q Have you any father and mother living? A I have a mother
living; my father is dead.

Q Is your mother a white woman or an Indian? A She is a
white woman.

Q Was your father an Indian? A Yes sir.

Q What kind? A Choctaw.

Q What was his name? A John C. Kirk.

Q Do you know how long he has been dead? A I was about four
years old when he died.

Q Do you know whether your father was a recognized Choctaw cit-
izen or not? A I don't know.

Q You don't know whether he was ever on the rolls or not?

A No sir.

Q Have you got any brother or sister living? A I have not a

John R. Kirk #2)

sister.

Q What's her name? A Malinda Kirk.

Q How old is she? A She is about twelve years old.

Q What is your mother's name? A Novella Kirk. She has married again, and her name is now Novella Blackburn.

John R. Davis being sworn and examined states:

Q What is your name? A John R. Davis.

Q How old are you? A Fifty-six.

Q You are a white man? A Yes sir.

Q Don't claim citizenship in the Choctaw Nation? A No sir.

Q Do you know John Kirk? A Yes sir.

Q And his sister Malinda Kirk? A Yes sir.

Q Did you know their father? A I did.

Q Was he an Indian? A Yes sir.

Q What kind of an Indian? A He claimed and showed to be a half-Choctaw Indian.

Q How long did you know him? A I knew him about twenty years, up until he died; he died two year after Oklahoma opened up.

Q About how many years ago was that? A I think about ten years it seems to me; I had been in Oklahoma two years when he died.

Q Did you know their mother? A Yes sir.

Q What is she? A She is a white woman.

Q The mother of these two children? A Yes sir.

Q Where were they married? A In Red River County, Texas.

Q Have these children always lived here in the Choctaw Nation?

A With the exception of pretty near five years; I kept them in Oklahoma after their daddy died.

Q When did they return to the Choctaw Nation? A Going on five years ago.

Q Are they living with you now? A Yes sir, this boy does, the girl is going to school at Paul's Valley.

John R. Kirk - John R. Davis witness- #3)

Q Do you know whether their father was ever a recognized Choctaw citizen? A I don't know that he was ever on the rolls.

Q Chick com Peter Naytabey: Did you try to enroll these children at Tishomingo? A I tried to enroll them at Stonewall, but not at Tishomingo.

(Com'r McKennon: These two children are not on any of the Choctaw rolls.)

Examined by Choc Com'r Davis:

Q Did these children draw land out in Oklahoma? A No sir.

Com'r McKennon:

Q Did they draw money? A ~~These applicants'~~ These applicants' father got money at Atoka; I don't know how much he got.

Q That was the Net Proceeds? A That was in 1889 I think.

(Com'r McKennon: That was the Net Proceeds, and was distributed to the heirs of the parties entitled to it.)

Witness: The only time the children has ever been out of the Territory was when their father died and I come and got them and took them to Oklahoma and kept them there, and when they come back the Indians that knew them let them go to the Indian schools; that was the Chickasaw schools.

Com'r McKennon: Enrollment refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Green

Stonewall Ind Ter
Sept 11th 1896.

Hon A. S. Mc Kenrow, Daves Comm
ission - Dear Sir. Please find
inclosed Marriage Certificate - as
requested by you. to complete my
application of Sep 1st 1896 -

Very Respectfully

Amanda N. Kirk,

Commission to the Five Civilized Tribes.

VINITA, IND. TER.

1896.

See that you swear to your Petition

Evidence of service of copies on the Chief or Governor may be secured as follows: If convenient get his receipt to file with your papers. If you cannot do this, register to him, and have some disinterested person to make affidavit in form about as follows:

I, *J. M. Byrd*, do solemnly swear that on the *11* day of *Sept*, 1896, I saw a package registered at the postoffice at *Stonewall I.T.*, addressed to *Gov. R. M. Harris, Governor of the* *Chickasaw Nation* Nation, _____ Ind. Ter., that registry receipt, No *86*, received from postmaster, hereto attached, is a receipt for said package, which contained true copies of the application of *Asa Bird* and of the affidavits of *marriage* - *N. Bird* and *License for same* in support of same.

Subscribed and sworn to before me, on this *11* day of *Sept*, 1896.
Geo H. Truitt

Attach receipt to this affidavit and send with papers to the Commission at Vinita, Indian Territory. This takes the place of the former instructions, as we understand that packages are not promptly received for by the Chiefs and Governors.

For the Commission.



To any Judge of the County or District Court, Regularly Licensed or Ordained
Minister of the Gospel, ~~Judge or~~ Justice of the Peace in and for said County of

Red River
GRANTING

YOU ARE HEREBY AUTHORIZED TO SOLEMNIZE THE

rites of MATRIMONY

Between *Mr. J. Q. Kirk*
and *A. N. Davis*
and make due return to the Clerk of the County Court of said
County within sixty days thereafter certifying your action
under this license.

(L.S.)

WITNESS my official signature and seal of
office at office in *Clark's* with this
29 day of January, A.D. 1884

A. P. Corley R.R.
Deputy Clerk of the County Court

T. T. Martin hereby certify that
on the 30 day of January, A.D. 1884

Quinted in Marriage *J. Q. Kirk* and
A. N. Davis the parties above named

Witness my hand this 30 day of January, A.D. 1884

T. T. Martin

1880

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1880

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The State of Texas, D. N. Taylor, County Clerk
County of Red River, in and for the State of Texas,
do hereby certify that the within and
foregoing, is a true and correct copy of
a marriage license issued to J. C. Kirk
and A. N. Davis, and also a true and correct
copy of the Certificate of T. T. Martin the
party who solemnized the rites of matrimony
between said J. C. Kirk & A. N. Davis,
as appears of record in my office in
Book E. page 397, Record of
Marriages of said County.

Given under my hand and
seal of office, this August 27 1876.

D. N. Taylor

Sherriff County Court Red River
Co., Texas

the files
were used to
date fulfilling
H. H. January
Seignior

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MARRIAGE LICENSE

1880

1880

Muskogee, Indian Territory, February 5, 1900.

Mr. J. R. Davis,

Pontotoc, Indian Territory,

Dear Sir:

Your letter of January 20, inclosing the papers in the application for the enrollment of John and M. G. Kirk, and the letter from the Secretary of the Interior instructing you to submit the same for filing with the records of the Commission, has been received.

In reply to your letter, you are advised that on November 14, 1899, Novella Blackburn appeared before the Commission at McAlester in the interest of these two children, and at that time the application was refused. The papers have been filed for further consideration and there is returned you herewith the letter from the Secretary of the Interior of January 9.

Yours truly,

Acting Chairman.

Inclosure-1-a.

Muskogee, Indian Territory, July 13, 1900.

Mr. J. R. Davis,
Pontotoc, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 8th, in regard to the application of John and Malinda Kirke for enrollment as citizens of the Choctaw Nation, in which you ask if the papers already filed in this case cannot be returned to you.

In reply to your letter, you are advised that the same must be retained by the Commission as part of the record in the case, to be forwarded to the Honorable Secretary of the Interior when the final rolls of the citizens of the Choctaw Nation are sent to him for approval.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 7, 1901.

W. B. Anderson,

Pontotoc, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 18th, 1900, in which you desire to be informed if Den Chatman, W. B. Saunders and John Kirk are listed for enrollment as citizens of either the Choctaw or Chickasaw Nations.

You are informed that a careful search of the records of the Commission fails to show that any persons by the name of Den Chatman and W. B. Saunders are listed for enrollment as citizens of either the Choctaw or Chickasaw nation.

The records of the Commission do show, however that John Kirk, 14 years of age, on November 14th, 1899, made application for enrollment as a citizen of the Choctaw nation and was at that time refused enrollment.

Yours truly,

Acting Chairman.

7-R-156

Muskogee, Indian Territory, March 4, 1901.

J. R. Davis,

Pontotoc, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st of February, addressed to the Honorable Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

You state in your letter that you have been informed that all the papers relative to applications for enrollment as citizens of the Choctaw Nation have been forwarded to the Secretary of the Interior and you write desiring information as to the final disposition of the claims of John and Malinda Kirk.

Replying to your letter, the Commission has to inform you that it appears from our records that at South McAlester, Indian Territory on November 13th, 1899 John R. Kirk, 14 years of age, appeared before the Commission and made application for the enrollment of himself and his sister, Malinda C. Kirk, as citizens of the Choctaw Nation. At the time of said appearance the Commission in addition to the testimony of John Kirk, also took the testimony of John R. Davis and in his testimony given at that time he stated that he did not know of these children ever having been placed upon any of the Choctaw rolls but attempted to have them enrolled at Stonewall and such children had lived in the Choctaw Nation with the exception of five years when you kept them with you in Oklahoma.

J R R 2

The Commission upon the occasion of this application and after a consideration of the testimony and an examination of the records, refused to enroll these children as citizens of the Ojibwa nation.

On the next day, November 14th, 1899, Novella Blackburn, the mother of these children appeared before the Commission and offered additional testimony in support of their application. The Commission was not able from her testimony to adduce any further evidence in any way granting these children rights as citizens of the Ojibwa nation and the judgment of the Commission refusing their enrollment will stand upon our records.

The original application made by John R. Kirk, the testimony offered by you and by the mother of these two children, Novella Blackburn, together with all documentary evidence submitted in support of the application will be forwarded to the Secretary of the Interior at the time of the transmission of the final rolls of citizenship of the Ojibwa and Chickasaw for the approval of the Secretary of the Interior. We cannot inform you at this time with any degree of certainty as to the date of the forwarding of such rolls but it is the opinion of the Commission that under no circumstances would such records be forwarded until the final transmission of such rolls for approval.

Very truly,
Yours truly,

Acting Chairman.

Muskogee, Indian Territory, March 6, 1901.

Malinda Kirk,

Care J. R. Davis,

Pontotoc, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th of February in which you desire to be informed if the Commission will still receive and consider applications for enrollment.

You state in your letter that you are the mother of John and Malinda Kirk who are citizens by blood of the Choctaw Tribe of Indians and at the time that they were enrolled by this Commission you were of the opinion that you were debarred from any rights as an intermarried citizen but that you have subsequently learned that you are entitled to enrollment and the lawful wife of John Kirk or John Parker, the father of John and Malinda Kirk.

Replying to your letter the Commission has to inform you that it will at any time prior to the submission of the final rolls of citizens of the Choctaw and Chickasaw Nations to the Secretary of the Interior for his approval, hear upon their personal appearance, applicants for enrollment as citizens of these two Nations. Such applications should be made at the office of the Commission in Muskogee, Indian Territory.

The Commission on March 4th, 1901, wrote J. R. Davis relative to the application made for the enrollment of John R. and Malinda Kirk as citizens of the Choctaw Nation.

A K 2

It appears from our records in the matter of the application for the enrollment of these two children that at McAlester, Indian Territory, on November 13th, 1899, John R. Kirk appeared before the Commission and made application for the enrollment of himself and his sister, Malinda Kirk, as citizens by blood of the Choctaw Nation.

In addition to the testimony of John R. Kirk upon his personal appearance, the Commission also heard the testimony of John Davis and after a consideration of such testimony and an examination of the records of the Choctaw Nation in the possession of the Commission and of the records of the Commission, the enrollment of these two children was refused.

It further appears that on November 14th, 1899, that Novella Blackburn, 30 years of age, appeared before the Commission and testified on behalf of the application of these two children and in her testimony given at that time she said that she was the mother of John and Malinda C. Kirk but no additional evidence was adduced at the time of her appearance that would in any manner entitle these two children to recognition as citizens of the Choctaw Nation.

As to your rights to enrollment as a citizen by inter-marriage of the Choctaw Nation at this time, the Commission can only render an opinion upon your personal appearance for the purpose of an examination under oath, but from the testimony in the matter of the application for the enrollment of John and Malinda Kirk, it does not appear that John C. Kirk, the father of these children, was ever a recognized and enrolled citizen of the Choctaw Nation.

The Commission has further to inform you that it appears from our records that under the act of Congress of June 10th, 1896,

A K 3

Amanda Kirk filed an application for citizenship in the Chickasaw Nation. This application was made on behalf of Amanda E. Kirk and her two children, John W. Kirk and Lindy C. Kirk. These applicants were denied citizenship in the Chickasaw Nation by the Commission November 10th, 1896 and there is no record of any appeal having been taken from the decision of the Commission in the time prescribed by act of Congress of June 10th, 1896.

If in view of the foregoing statements, you still desire to make application for enrollment as a citizen by intermarriage of the Choctaw or Chickasaw Nation, you will be heard upon your personal appearance before the Commission at its office in Muskogee, Indian Territory, provided such appearance is made prior to the submission of the rolls of citizens of the Choctaw and Chickasaw Nations to the Secretary of the Interior for his approval.

Yours truly,

Acting Chairman.

7-R-116

Waskagee, Indian Territory, February 4, 1908.

Thomas Chureman,

Wellville, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1908 in which you desire to be furnished with a blank for the enrollment of an infant child.

A blank of such description is enclosed you herewith. In having the same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the persons whose names are to be affixed to the affidavits, are unable to write, and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto. The notary public before whom the acknowledgments of the mother and the attending physician or nurse are made must affix his notarial jurat and seal to each separate affidavit.

You also desire to be informed if the daughter of Claracy Phrasier appears upon the Chickasaw roll as Lissie Roberts or as Lissie Bend.

You are advised that it appears from our records that on August 20, 1898, Lissie Bend, 19 years of age, a full blood Chickasaw Indian and the daughter of Laron and Kellsey Roberts was

listed for enrollment as a citizen of the Chickasaw Nation.

It further appears from our records that this woman is the wife of Read Bend, a citizen by blood of the Choctaw Nation.

If this is not the person concerning whom you inquire, it will be necessary before the matter can receive further consideration that you specify the time and place she made application to the Commission for enrollment, the names of other members of her family for whom application was made at the same time and such other information as you may have as will enable us to identify her upon our records.

Relative to the Malinda Kirk concerning whom you inquire, you are advised that it appears from our records that at Scotch McAlester, Indian Territory, November 13, 1899, John B. Kirk made application to this Commission for the enrollment of himself and his sister Malinda Kirk as citizens of the Choctaw Nation but their enrollment was at that time refused for the reason that their names were not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission and they were also denied citizenship in the Chickasaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896.

Yours truly,

Muskogee, Indian Territory, May 21, 1903.

Amanda Kirk,

Wallville, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant, addressed to the Secretary of the Interior, Washington, D. C. and which has been by him referred to this Commission for consideration and appropriate action, relative to the right to enrollment of yourself and your two children, John and M. G. Kirk as citizens of the Choctaw Nation.

You are advised that it does not appear from our records that any person by the name of Amanda Kirk has ever made application to this Commission for enrollment as a citizen by blood or intermarriage of the Choctaw nation, nor does it appear from an examination of the records of the Choctaw Nation in the possession of the Commission that any person by this name has ever been recognized and enrolled by the tribal authorities of that Nation either as a citizen by blood or intermarriage.

If you are desirous of making application for enrollment as a citizen by intermarriage of the Choctaw nation it will be necessary for you to present yourself in person before the Commission for the purpose of examination under oath so that a sufficient record may be made upon which your right to enrollment

A K B

can be determined.

It does not appear however that you would be entitled to any such recognition for the reason that the person through whom you claim your right to enrollment as a citizen by inter-marriage of the Choctaw Nation has never been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe.

You are further advised that on April 14, 1902, the Commission rendered a decision refusing the application for the enrollment of John R. and Malinda Kirk as members of the Choctaw Tribe of Indians in Indian Territory, and on the same date the record in this case was forwarded to the Secretary of the Interior for his review. John R. Kirk at Pontotoc, Indian Territory, was on April 14, 1902, advised of this action and when this case is finally disposed of by the Secretary of the Interior, he will be duly notified thereof.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 23, 1902.

James E. Webb,

Pauls Valley, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, in which you desire to be advised if John R. Kirk of Wallville, Indian Territory, is an applicant to this Commission for enrollment as a citizen of the Chickasaw Nation and if so, the present status of his claim.

Replying to your letter you are advised that it appears from our records that under the act of Congress of June 10, 1896, Amanda Kirk, filed with this Commission an original petition for the admission of her children, John R. and Malinda Kirk as citizens of the Chickasaw Nation. This application was denied by the Commission to the Five Civilized Tribes and no appeal was taken therefrom to the United States Court in Indian Territory and the rights of the applicants as members of the Chickasaw Tribe of Indians became by such action of the Commission res adjudicata.

It further appears that on November 14, 1899, at McAlester, Indian Territory, John Kirk, 14 years of age, personally appeared before the Commission and applied for the enrollment of himself and his sister Malinda C. Kirk as citizens of the Choctaw Nation.

J R W 2

On April 14, 1902 , the Commission rendered a decision refusing the application for the enrollment of these persons as citizens of the Choctaw Nation, which decision was approved by the Secretary of the Interior, on May 14, 1902. The applicants were duly notified of such action by the Secretary of the Interior, May 24, 1902.

These persons are not in any manner entitled to citizenship in either the Choctaw or Chickasaw Nations, Indian Territory.

If the John Kirk above referred to is not the person concerning whom you inquire and you will further advise us in the premises, the matter will receive proper consideration.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 17, 1902.

Pruitt & Carr,

Attorneys at Law,

Pauls Valley, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you desire to be advised if John and Malinda Kirk have been enrolled as members of either the Chectaw or Chickasaw tribes of Indians.

In reply to your letter you are advised that on April 14, 1902, the Commission refused the application for the enrollment of John and Malinda Kirk as citizens of the Chectaw Nation and on May 14, 1902, such decision was affirmed by the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 27, 1903.

A. N. Kirk,

Wallville, Indian Territory,

Dear Sir:

Your letter of February 2, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You ask therein to be informed the status of your children, John R. and Malinda C. Kirk, and state that some other citizens are trying to take from you the land which you are holding for their allotments.

In reply to your letter you are advised that it appears from our records that on April 14, 1902, the Commission rendered its decision refusing the application for enrollment as citizens of the Choctaw Nation of John and M. C. Kirk, of which action they were duly notified on the same date, at Pontotoc, Indian Territory, and the record in the case was transmitted to the Secretary of the Interior for review. On May 14, 1902, the Secretary of the Interior affirmed the decision of the Commission, and the applicants were notified of such departmental action on May 24, 1902.

The Commission having refused their application for enrollment as citizens of the Choctaw Nation, and such decision having been

A N K 2

affirmed by the Secretary of the Interior John and Malinda C. Kirk would not in any manner be entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

page 780

Jno. Kirk



CHOCTAW

R. 156

John R. Kirk, et al.

Record transferred to Choctaw
Card R*155

Choc R157 Abigail Kimble

R157

Choctaw

Abigail Kimble

-vv.-

Choctaw Nation

Judgements written
January 31, 1907

Refused
Feb 21-1907

Record Forwarded Department
Feb. 21-1907

Action Approved by Mar 4-1907
Secretary of Interior

Notice of Departmental Action
Forwarded Attorneys for Apr. 5-1907
Choctaw & Chickasaw Nations

Notice of Departmental Action Apr. 5-1907
Forwarded attorney for applicant

Notice of Departmental Apr. 5-1907
Action Mailed Applicant

Commission to the Five Civilized Tribes,
South-Central, Indian Terr.

In the enrollment of Abigail Vimbles as a Choctaw; being sworn
S. M. Lewis being sworn and examined by Com'r McKennon states:

Q What is your name? A S. M. Lewis.

Q How old are you? A Fifty-eight.

Judge Lewis, having read the same, in presence of applicant,
states:

Her mother's maiden name was Susan Baker; she was a white
woman. She married John McKinney, my cousin, and a recognized
Choctaw. After John McKinney died she was a widow. During the
time that she was a widow she gave birth to this child, the appli-
cant, Abigail Vimbles, and the mother told me that Tom Wall,
another cousin of mine, a Choctaw, was the father of the child,
and he also told me he had every reason to believe that he was the
father of the child.

Q But they were not married? A No sir.

Q The child was illegitimate? A Yes sir.

Com'r McKennon: Upon the foregoing state of facts, enroll-
ment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

(COPY)

McAlester, Indian Territory,

February 22nd, 1902.

The Commission to the Five Civilized Tribes,

Yours of the 14th to hand, and in reply will say. Sarah Baker married John McKinney, who was a Choctaw, and a Cousin to myself. they had several children. Sarah obtained a divorce from McKinney before he died, afterwards she had this girl Abigail, her Father is Supposed to be Thomas J. Wall, of Enterprise, I. T. He is a Choctaw and also my Cousin. he had a legal wife when Abigail was born. She was not enrolled at the payment in 1893, nor enrolled in 1896. She is about 25 years old. She first married a white man, who I think his name was Smith, he got to Stealing hogs and run off. I lost trace of this woman for some time. I don't know whether she was divorced from Smith or not, but as she goes by the name of Kimble I guess she is married again.

Very Respectfully

(Signed) S. E. Lewis.

I do not know whether She is living or not, but you can find out by writing to T. J. Wall at Enterprise, Ind. Ter. as he is her reputed father.

(Signed) S. E. Lewis.

Department of the Interior.
Commission to the Five Civilized Tribes.
South McAlester, I. T., December 23rd, 1902.

Choctaw R-157

-----oOo-----

In the matter of the application of Abigail Kimble for enrollment as a citizen by blood of the Choctaw Nation; also her two minor children, Jesse Hearl and Elmer Preston Kimble.

Abigail Kimble being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Abigail Kimble.
Q How old are you? A Twenty-eight.
Q What is your post office address? A Howe.
Q How long have you resided in the Choctaw Nation? A All of my life.
Q You claim to be a citizen by blood of the Choctaw Nation? A Yes sir.
Q What is your father's name? A Walls.
Q What is his given name? A Tom.
Q Tom Walls? A Yes sir.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Her name was Sarah McKinney, before she was married.
Q Is your mother living? A No sir, mother's dead.
Q Was your father or mother a citizen of the Choctaw Nation? A My father.
Q Your mother was a white woman? A My mother was a white woman.
Q Was your father and mother married? A I don't know; I suppose so.
Q Have you ever been recognized or enrolled by the Choctaw tribal authorities as a member of the tribe? A Always been recognized by everybody that knows me.
Q Is your name on any of the tribal rolls of the Choctaw Nation? A I suppose it is.
Q Did you draw the 1893 leased district payment? A No sir, I didn't draw it.
Q Are you married? A Yes sir, I am married.
Q What was your maiden name? A Abigail Walls.
Q Went under that name? A Yes sir.
Q Ever go under any other name? A Yes sir, I was raised by white people by the name of Fann, but my name remained Walls.
Q Have you any children? A I have two.
Q What are their names? A Jesse Hearl.
Q Boy? A Yes sir.
Q How do you spell that? A H e a r l.
Q How old is he? A Three years old.
Q What is the other's name? A Elmer Preston.
Q How old is he? A Five years old.
Q These both your children? A Yes sir.

Abigail Kimble-----2

- Q Who is the father of them? A Albert Kimble.
Q Is he a white man? A Yes sir.
Q Married to him? A Yes sir.
Q How long have you been married to him? A Seven years.

Thomas J. Walls being called as a witness and duly sworn,
testified as follows:

- Q What is your name? A Thomas J. Walls.
Q Are you a citizen by blood of the Choctaw Nation? A Yes sir.
Q Always been recognized as such by the tribal authorities? A Yes sir.
Q Was you ever married to a woman named Sarah McKinney? A No sir.
Q Do you know this woman Abigail Kimble? A Yes sir.
QC This woman claims that you are her father by a white woman Sarah McKinney? A Yes sir.
Q Is that correct? A I lived with her.
Q Did you live with Sarah McKinney? A I had a good excuse to believe that she is my child.
Q Was you living with that woman Sarah McKinney? A I never lived with her, but I was with her all the same. I got a good right to believe that this is my child by her.
Q Never married to her? A No sir.
Q When did Sarah McKinney die? A Some time ago; I don't remember just what year it was.
Q Who looked after this girl after her death? A I think she first stayed with Charlie Reynolds while and then a man by the name of Fann.
Q Well did you ever look after this girl--ever support her?
A No sir, I never had any control over her.
Q You believe this is your daughter? A Yes.

Simon E. Lewis being called as a witness and duly sworn,
testified as follows:

- Q What is your name? A Simon E. Lewis.
Q What is your age? A Sixty-two.
Q You are a citizen by blood of the Choctaw Nation? A Yes sir.
Q What official position do you hold? A I am chairman of the Choctaw citizenship commission.
Q Do you know this applicant Abigail Kimble? A Yes sir.
Q How long have you known her? A Known her ever since she was born.
Q Whose child is she? A Why her mother was a widow of one of my cousins named John McKinney; her name was Sarah McKinney a widow woman.
Q How long after John McKinney's death before this woman was born?
A Two or three years.
Q Did you ever hear who the father of this girl was? A Woman said it was Tom Walls.
Q Sarah McKinney said it was Tom Walls? A Yes sir.
Q Who is Tom Walls? A Another cousin of mine.

Abigail Kimble-----3

- Q Now where has this woman been living? A She stayed there around amongst some of her - - she had a half sister named Lucinda, married a man by the name of Reynolds, and then that old white man by the name of Fann took and raised her.
- Q You have known her all her life? A Yes sir.
- Q Lived in Sans Bois county? A Yes sir.
- Q That was the district you had supervision over in these citizenship rolls? A Yes sir.
- Q Has this woman ever been recognized or enrolled by the tribal authorities as a citizen? A No sir, I think the Board that enrolled the people for the leased district money refused to enroll her and I don't think she made any effort to be enrolled before us; if she did, I don't remember it.
- Q She has always been recognized there as the daughter of Tom Walls
- A Yes sir, right in the neighborhood.
- Q All knew her to be his child? A That's what we all took her to be.

Albert G. McMillan being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of December, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 10 day of February, 1903.

Charles F. Sawyer

Notary Public.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Abigail Kimble and her minor children, Elmer Preston and Jesse Earl Kimble for enrollment as citizens of the Choctaw Nation, Choctaw Field number R-157.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia London, et al., vs., The Choctaw and Chickasaw Nations, number fifty-five on the South McAlester Docket, in which the said Court will decide the question of what compliance, by the applicants or their ancestors, with the thirteenth and fourteenth articles of the treaty of 1830 was necessary in order to be entitled to enrollment and to participate in the distribution of tribal property of the Choctaws and Chickasaws, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

(Signed) MANSFIELD, MCMURRAY & CONNISH,
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Endorsements: Choctaw R-157. In the matter of the enrollment of Abigail Kimble, et al., as citizens of the Choctaw Nation.

PROTEST OF

Choctaw and Chickasaw Attorneys.

F I L E D FEB 6, 1904, TANK BERRY, Chairman.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Everet Ray Kimble

as a citizen of

Lohoctaw..... Nation.

Approved..... 190... 3

Commissioner.

Born Aug. 5, 1903

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Chocataw Nation,
of Everet Ray Kimble born on the 5th day of August, 1903.
(Here insert name of child)
Name of Father: Albert Kimble a citizen of the United States Nation.
Name of Mother: Abigail Kimble a citizen of the Chocataw Nation.
Tribal enrollment of father: Tribal enrollment of mother Chocataw by blood
Postoffice: Hughes, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Central District.

I, Abigail Kimble, on oath state that I am 31
years of age and a citizen by Blood, of the Chocataw Nation;
that I am the lawful wife of Albert Kimble, who is a citizen of
the United States of the Chocataw Nation; that a male child was
(Male or Female)
born to me on 5th day of August, 1903; that said child has been named
Everet Ray Kimble and was living March 4, 1906.

Abigail Kimble

WITNESSES TO MARK:

SEAL

(Must be Two Witnesses)

Bell M. Donald
Kate Benet

Subscribed and sworn to before me this 6th day of July, 1906.

A. L. Bennett

Notary Public.

my com. Ex. Feb. 1st, 1910.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

..... District.

I, Sam'l. C. Deam, a physician on oath state that I
attended on Mrs. Abigail Kimble, wife of Albert Kimble
on the 5th day of August, 1903; that there was born to her on said date a male
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Everet Kimble.

Sam'l. C. Deam, M. D.

WITNESSES TO MARK:

SEAL

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th day of July, 1906.

A. L. Bennett

Notary Public.

my com. Ex. Feb. 1st, 1910.

7-R-157
23--883
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Abigail Kimble, et al., as citizens by blood of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that in September, 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Abigail Kimble as a citizen by blood of the Choctaw Nation. December 23, 1902, application was made for the enrollment of her two children, Elmer Preston Kimble and Jesse Hearl Kimble as citizens by blood of said nation. July 9, 1906, written application was made for the enrollment of Everett Ray Kimble as a citizen by blood of said nation, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137).

It is alleged on behalf of the applicant, Abigail Kimble, who was born in about the year 1877, that she is the illegitimate daughter of Sarah McKinney, a white woman, and Tom Walls whose name as Thomas J. Walls, Sr. appears opposite No. 12371 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior March 6, 1903. The applicants, Elmer Preston Kimble and Jesse Hearl Kimble were born in 1897 and 1899, respectively. The applicant, Everett Ray Kimble, was born August 6, 1903. All of the minor applicants herein are the children of Abigail Kimble, and Albert Kimble, a non-citizen.

It does not appear from the record herein or from the records in the possession of this office that any of the applicants herein has ever been recognized and enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw Citizenship by any duly constituted authority.

I am, therefore, of the opinion that the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble, should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 49), and it is so ordered.

I am further of the opinion that the application for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation, should be denied, under the provisions of the Act of Congress approved April 26, 1906 (34 Stats., 137), and it is so ordered.

Muskogee, Indian Territory,

FEB 21 1907


Commissioner.

7-R-157

COPY

Muskogee, Indian Territory, February 21, 1907.

Abigail Kimble,

Hughes, Indian Territory,

Dear Madam:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for your enrollment, for the enrollment of Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Tame Birby

Commissioner.

Registered.
Incl. 7-R-157

7-R-157

Muskogee, Indian Territory, February 21, 1907.

Albert Kimble,

Hughes, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everet Ray Kimble as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tams Bixby*

Commissioner.

Registered.
Incl. 7-R-157

7-R-157

Muskogee, Indian Territory, February 21, 1907.

Wallace Wilkinson,

Attorney-at-law,

South McAlester, Indian Territory.

Dear Sir:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Yours truly,
Jame Bixby

Commissioner.

Registered.
Incl. 7-R-157

7-R-157

COPY

Muskogee, Indian Territory, February 21, 1907.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*

Commissioner.

Incl. 7-R-157

COPY

Muskogee, Indian Territory, February 21, 1907.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Abigail Kimble , Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everet Ray Kimble as a citizen by blood of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated February 21, 1907, denying said applications.

Respectfully,

Jesse Bixby

Commissioner.

2 Incl.

Through the
Commissioner of Indian Affairs.

D.C.13271

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.6132, 6632, 6682, 6718-1907.
6868, 6872, 6876, 6880- "
6886, 6888, 6890, 6892- "
7394, 6896, 7576, 7632- "

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship
cases adverse to the applicants are hereby affirmed.
Copies of Indian Office letters submitting your reports
and recommending that the decisions be affirmed are inclosed.

Title of Case.	Date of your letter of transmittal.
Emma Crawford (intermarried)	February 15, 1907
Susie A. Stidham (intermarried)	February 15, 1907
Soloe Nail (freedman)	February 15, 1907
Lucretia Weatherly, et al.	February 12, 1907
Charlotte Jones (freedman)	February 14, 1907
Clayton Howlaway, et al. (freedmen)	February 14, 1907
Lillie Noah	February 21, 1907
Agnes Childers (Intermarried)	February 14, 1907
Erna Brown (freedman)	February 19, 1907
Sallie Schooley, et al.	February 23, 1907
Abner Owens, et al. (freedmen)	February 23, 1907
Edna H. Gardner	February 23, 1907
Mary M. Boyles, et al (freedmen)	February 20, 1907
Roscoe Burney	February 21, 1907
Richard S. Bennight, et al.	February 18, 1907
Abigail Kimble, et al.	February 21, 1907.

A copy hereof and the papers in the above mentioned

cases have been sent to the Indian Office.

Respectfully,

H. A. Hitchcock,

Secretary.

16 inc. and
32 to Ind. Of.

W.C.F. 3-5-07.

Land
19652-1907

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Abigail, Elmer Preston and Jesse Hearl Kimble for enrollment as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of February 21, 1907, denying the application.

It is alleged on behalf of applicant Abigail Kimble that she was born about 1877; that she is the illegitimate daughter of Sarah McKinney, a white woman, and Thomas Walls, enrolled as Thomas J. Walls, sr., at No. 12371, on the rolls by blood of the Choctaw Nation.

The other applicants are the children of Abigail Kimble, and Albert Kimble, a non-citizen.

Under the Act of April 26, 1906, Abigail Kimble is not entitled to enrollment as an illegitimate child takes the status of the mother. It necessarily follows that her children are not entitled to enrollment. The approval of the Commissioner's decision is recommended.

Very respectfully,
C. F. Larrabee,
Acting Commissioner.

GAW-GH

Muskogee, Indian Territory, April 5, 1907.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for your enrollment, for the enrollment of Elmer Preston Kimble and Jesse Earl Kimble as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-2-157

Muskogee, Indian Territory, April 5, 1907.

Albert Kimble,

Hughes, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. D. Rogers.

Acting Commissioner.

7-R-157

Muskogee, Indian Territory, April 5, 1907.

Wallace Wilkinson,

Attorney at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

Respectfully,

Geo. W. ...

Acting Commissioner.

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Gornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on March 4, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered February 21, 1907, denying the application for the enrollment of Abigail Kimble, Elmer Preston Kimble and Jesse Hearl Kimble as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Commissioner.

Muskogee, Indian Territory, February 14, 1902.

Simon H. Lewis,

Canadian, Indian Territory.

Dear Sir:

At Canadian, Indian Territory, in September, 1899, you testified before the Commission in the matter of the application for enrollment as a Choctaw citizen of Abbagil Kimble, the daughter of a white woman named Sarah Baker and widow of John McKinney.

The Commission now desires to be advised if this child is still living, and if so, with whom she is living, her age, and such other data as you may be able to furnish.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, November 23, 1903.

Harley & Lewis,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of November 16, in which you ask the status of the enrollment of Abigail Kimble and her minor children, Elmer Preston and Jessie Herald Kimble.

In reply to your letter you are informed that it appears from our records that Abigail Kimble was an applicant to this Commission for enrollment as a citizen of the Choctaw Nation in the year 1899.

It further appears from our records that on December 23, 1902, she appeared before the Commission at South McAlester, Indian Territory, and made application for the enrollment of herself and her two minor children, Jessie Hearl and Elmer Preston Kimble.

The Commission has not, however, up to this time passed upon the application for the enrollment of the above named persons as citizens of the Choctaw Nation. As soon as a decision is reached in this case Abigail Kimble will be notified of the action taken therein.

Respectfully,

Chairman

7-R 157

Muskogee, Indian Territory, November 27, 1903.

Commissioner in Charge,
Chootaw Land Office,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 21, enclosing a communication from Abigail Kimble of November 6, 1903, protesting against anyone filing on certain land and asking why she was not permitted to file on her selection of allotment.

You state in your letter that it appears from your records that this woman is listed on Chootaw card R 157, but you are unable to identify the children mentioned in her letter, Elmer Preston and Jessie Hearald. You, therefore, request that the records of the Commission be examined and if the application of Abigail Kimble has been granted or is still pending and she is permitted to have the designation of land desired by her in allotment made a matter of record, that her letter be returned to your office with proper instructions.

In reply to your letter you are informed that it appears from our records that Abigail Kimble is an applicant to this Commission for the enrollment of herself and her two minor children,

Cheetaw L. O.

Elmer Preston and Jesse Hearl Kimble, but their final right to such enrollment has not yet been determined. The letter of Abigail Kimble is returned you herewith.

You are requested to make the proper notations upon the records of your office of the land indicated by Mrs. Kimble as her prospective allotment.

You are also requested to add the names of Elmer Preston and Jesse Hearl Kimble to your list of applicants whose cases are still undisposed of. As soon as a final determination is made as to the rights of these applicants your office will be duly notified.

Respectfully,

Chairman.

Enc. F. H.--3.

Received of the Commission to the Five Civilized Tribes
one copy of the testimony of Abigail Kimble, taken at South McAlester
Indian Territory, December 23, 1902, in the matter of her application
for the enrollment of herself and her two minor children as citizens
by blood of the Choctaw Nation.

Harley & Lewis

Attorneys.

Muskogee, Indian Territory,

November 28, 1903.

Choctaw R 157

Muskegee, Indian Territory, February 10, 1904.

Abigail Kimble,

Howe, Indian Territory,

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself and minor children Elmer Preston and Jesse Earl Kimble as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Choctaw R 157

Muskogee, Indian Territory, April 7, 1904.

Abigail Kimble,

Howe, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 23, in which you state that you are entitled to rights in the Choctaw Nation as you have proved that you are a Choctaw by blood, and you ask if any further steps are necessary for you to take in the matter and if you will be safe in improving land for your allotment.

In reply to your letter you are advised that the Commission will take up your application for the enrollment of yourself and your two children, Elmer Preston and Jesse Hearl Kimble as early as practicable, and in the event further evidence is necessary to enable us to pass upon your rights you will be notified. You are informed, however, that until an opinion is reached in your case the Commission can give you no information relative to the probable action therein nor advise you in regard to improving land for an allotment.

Respectfully,

Commissioner in Charge.

Choctaw-R-157.

Muskogee, Indian Territory, July 14, 1904.

Abigail Kimble,

Howe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 8th, in which you ask if you are registered and if your claim to certain land will hold, in order that you may file a contest therefor.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for the enrollment of yourself and your children, Elma Preston and Jessie Hearl Kimble, as citizens of the Choctaw Nation; when a decision is reached in this case, you will be notified of the action taken therein.

Further replying to your letter, you are informed that no person is permitted to institute contest proceedings for land in the Choctaw or Chickasaw Nation unless he swears that he is the owner of the improvements thereon.

Respectfully,

Chairman.

Choctaw R 157

Muskogee, Indian Territory, July 25, 1904.

Abigail Kimble,

Howe, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of July 19, asking that your case be decided as early as possible, and in reply you are advised that the Commission is passing upon all applications for enrollment as citizens of the Choctaw and Chickasaw Nations pending before it as early as practicable, and it is probable that a decision will be reached in your case some time within the near future. You will then be duly notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Waskogee, Indian Territory, September 14, 1904.

Abigail Kimble,

Howe, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, requesting that your case be taken up and decided as early as possible.

In reply you are advised that the Commission is passing upon all applications for enrollment as citizens of the Choctaw and Chickasaw Nations as rapidly as practicable and as soon as a decision is reached in your case you will be duly notified of the action taken therein.

Respectfully,

Chairman.

7-R-157

Muskogee, Indian Territory, January 30, 1906.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 24, 1906, asking the status of your application for enrollment.

In reply to your letter you are informed that the Commission is now considering your application for the enrollment of yourself and your children Elmer Preston and Jesse Hearl Kimble as citizens of the Choctaw Nation, and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1906.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 13, 1906, stating that sometime ago you received a letter informing you that the Commission was considering your case and you wish to be advised if further action has been taken.

In reply to your letter you are informed that the Commission has not yet determined the rights of yourself and your children to enrollment as citizens of the Choctaw Nation, but when further action is taken in your case you will be duly advised.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 22, 1905.

Abigail Kimble,

Hughes, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 15, 1905, relative to the right to enrollment of yourself and children as citizens by blood of the Choctaw Nation. You also ask relative to the enrollment of your child born August 5, 1903.

In reply to your letter you are informed that the Commission is now considering the application for the enrollment of yourself and children as citizens by blood of the Choctaw Nation, but as yet no decision has been reached in your case. You will be notified of such further evidence as may be needed.

Relative to the enrollment of your child born August 5, 1903, you are advised that under the provisions of the act of Congress approved March 3, 1905, the Commission is authorized for a period of sixty days from that date to enroll children born to citizens by blood of the Choctaw and Chickasaw Nations whose enrollment had prior to that date been approved by the Secretary of the Interior.

Your enrollment has not yet been approved by the Secre-

A. E. #2

tary of the Interior, so you will see that the Commission is
without authority to enroll your child born August 6, 1903.

Respectfully,

Chairman.

7-B-157

Muskogee, Indian Territory, June 9, 1905.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 5, 1905, which was received at this office June 6, 1905, in which you ask the status of the application for the enrollment of yourself and your children.

In reply to your letter you are advised that the Commission is now considering the application for the enrollment of yourself and your children Elmer Preston and Jessie Hearl Kimble and when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Chairman.

Chectaw R 157

Muskogee, Indian Territory, June 16, 1905.

Abigail Kimble,

Hughes, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 13, asking for an early decision in your case, and in reply you are advised that the Commission is taking up, for consideration and determination as rapidly as practicable, all cases pending before it and as soon as a decision is reached in your case you will be notified of the action taken.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 8, 1905.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 5, 1905, asking if a decision has yet been rendered in your case.

In reply to your letter you are advised that no action has yet been taken in the matter of the application for the enrollment of yourself and two minor children as citizens of the Choctaw Nation, but when a decision is reached in this case you will be notified of the action taken therein.

Respectfully,

Commissioner.

7-R-157

Muskogee, Indian Territory, August 17, 1905.

Abigail Kimble,

Hughes, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of August 14, 1905, asking if you should employ an attorney to expedite the decision in the Choctaw citizenship case of yourself and children.

In reply to your letter you are advised that the employment of attorneys by applicants is a matter which is within their own discretion, and this office can not give any advice on the subject.

You are advised, however, that as soon as a decision is reached in the matter of the enrollment of yourself and children, you will be duly notified.

Respectfully,

Acting Commissioner.

7-R-157

Muskogee, Indian Territory, June 26, 1906.

Wallace Wilkinson,
Attorney at Law,
South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 16, 1906, in which you ask the status of the citizenship claim of Abigail Kimble, daughter of Tom Walls who is either a Cherokee or Choctaw Indian.

In reply to your letter you are advised that the application of Abigail Kimble, daughter of Tom Walls, for enrollment of herself and her children Elmer Preston and Jesse Hearl Kimble as citizens of the Choctaw Nation has not yet been determined, but when a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

Muskogee, Indian Territory, June 26, 1906.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 29, 1906, in which you ask the status of your application for enrollment and desire to be advised if it is now time for you to register your two younger children whose names have not yet been placed upon the roll.

In reply to your letter you are advised that no action has yet been taken in the matter of your application for the enrollment of yourself and your children Elmer Preston and Jesse Earl Kimble as citizens of the Choctaw Nation. If you now desire to forward an application for the enrollment of your two younger children under the act of Congress approved April 26, 1906, there are inclosed herewith blank for that purpose upon which you may forward evidence of the birth of these children.

Respectfully,

2 B. C.

Commissioner.

7-R-157.

Muskogee, Indian Territory, September 7, 1906.

Abigail Kimble,

Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 3, 1906, requesting to be advised of the status of your application for enrollment as a citizen by blood of the Choctaw Nation.

In reply thereto you are advised that no action has been taken therein but the same will receive consideration at an early date.

Respectfully,

Acting Commissioner.

7-R-157

Muskogee, Indian Territory, January 23, 1907.

Abigail Kimbale,
Hughes, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of December 28, 1907, asking the status of your application for enrollment.

In reply to your letter you are advised that the application for the enrollment of yourself and your two minor children as citizens of the Choctaw Nation has not yet been determined, but as soon as a decision is reached you will be notified of the action taken therein.

Respectfully,

Commissioner.

D.C.13271

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
S.P.

I.T.D.6132,6632,6682,6718-1907.
6868,6872,6878,6880- "
6886,6888,6890,6892- "
7394,6896,7576,7632- "

March 4, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed.

Date of your
letter of transmittal.

Title of Case.

Emma Crawford (intermarried)
Susia A. Stidham (intermarried)
Solee Nail (freedman)
Luestella Weatherly, et al.
Charlotte Jones (freedman)
Clayton Howlaway, et al. (freedmen)
Lillie Noah
Agnes Childers (intermarried)
Erna Brown (freedman)
Sallie Schooley, et al.
Abner Owens, et al. (freedmen)
Edna H. Gardner
Mary M. Boyles, et al. (freedmen)
Roscoe Burney
Richard S. Bennight, et al.
Abigail Kimble, et al.

February 15, 1907
February 15, 1907
February 15, 1907
February 12, 1907
February 14, 1907
February 14, 1907
February 21, 1907
February 14, 1907
February 19, 1907
February 23, 1907
February 23, 1907
February 21, 1907
February 20, 1907
February 21, 1907
February 18, 1907
February 21, 1907.

A copy hereof and the papers in the above mentioned

cases have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

16 inc. and
32 to Ind. Of.

W.C.F. 3-5-07.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Abigail, Elmer Preston and Jesse Hearl Kimble for enrollment as citizens, and for the enrollment of Everett Ray Kimble as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of February 21, 1907, denying the application.

It is alleged on behalf of applicant Abigail Kimble that she was born about 1877; that she is the illegitimate daughter of Sarah McKinney, a white woman, and Thomas Walls, enrolled as Thomas J. Walls, sr., at No. 12371, on the rolls by blood of the Choctaw Nation.

The other applicants are the children of Abigail Kimble, and Albert Kimble, a non-citizen.

Under the Act of April 26, 1906, Abigail Kimble is not entitled to enrollment as an illegitimate child takes the status of the mother. It necessarily follows that her children are not entitled to enrollment. The approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAV-GH

REFER IN REPLY TO THE FOLLOWING:

(COPY)

Land
19652-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 1, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from Commissioner Bixby dated February 21, 1907, transmitting the record relative to the application of Abigail, Elmer Preston and Jesse Hearl Kimble for enrollment as citizens, and for the enrollment of Everet Ray Kimble as a citizen by blood of the Choctaw Nation, together with the Commissioner's decision of February 21, 1907, denying the application.

It is alleged on behalf of applicant Abigail Kimble that she was born about 1877; that she is the illegitimate daughter of Sarah McKinney, a white woman, and Thomas Walls, enrolled as Thomas J. Walls, sr., at No. 12371, on the rolls by blood of the Choctaw Nation.

The other applicants are the children of Abigail Kimble, and Albert Kimble, a non-citizen.

Under the Act of April 26, 1906, Abigail Kimble is not entitled to enrollment as an illegitimate child takes the status of the mother. It necessarily follows that her children are not entitled to enrollment. The approval of the Commissioner's decision is recommended.

Very respectfully,
C. F. Larrabee,

GAW-GH.

Acting Commissioner

18271

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Choc R158

Olive T. King

R158

CHOCTAW.

REFUSED.

JUN 20 1900

Olive T. King,
Sterrett, J. T.

(Father) W. J. Collins.

(Mother) Nancy J. Collins

(Husband) John A. King.

(5, Jennie J. King.)

CHOCTAW.

Personal appearance and
testimony at Robert, J. T.
June 20, 1900.

FILED
JUN 20 1900
COMMISSION TO FIVE TRIBES.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Olive T. King for enrollment as a Choctaw being sworn and examined by Com'r McKennoe she testifies:

Q What is your name? A Olive T. King.

Q How old are you? A Twenty-eight.

Q Have you ever been on the Choctaw rolls? A No sir.

Q Not on the rolls at all? A I don't understand what you mean.

Q Have you ever been enrolled as a Choctaw Indian in the Territory? A No sir, I don't think I have been on the rolls.

Com'r McKennoe: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct copy of the original of the above and that this is a true and correct translation of the same.

M. McKennoe

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Colbert, Ind. Ter., June 20, 1900.

In the Matter of the Application of :
Olive T. King et al, for Enrollment : Choctaw-R. -158.
as Citizens of the Choctaw Nation. :
-----:

Olive T. King, being first duly sworn by Acting Chairman Bixby testified as follows:

- Q What is your name? A Olive T. King.
Q How old are you? A I was born in '71. Q What is your postoffice address? A Sterrett, I. T.
Q How long have you lived in the Ind. Ter., A Four years.
Q Have you been living here all the time during the last 4 years? A Yes sir.
Q Where did you live before you came to the Territory? A Texas.
Q How long did you live in Texas? A I was born in Sherman, Tex.
Q And lived there until you came to the Territory? A Yes sir.
Q What is your father's name? A D. J. Collins.
Q Is he living? A Yes sir.
Q Is he a Choctaw? A No sir.
Q What is your mother's name? A Nancy J. Collins.
Q Is she living? A Yes sir.
Q Is she a white woman or Choctaw? A Choctaw.
Q What proportion of Choctaw blood does she claim to have? A I can't tell you, but I have papers to produce later on.
Q Don't you know? A No, I don't know exactly.
Q Don't you know how much blood she claims? A No. 1/16 or something, but I don't know just exactly.
Q Has her name ever been on the tribal rolls of the Choctaw Nation? A No sir.
Q Has she ever been recognized by the tribal authorities? A No sir. I have uncles and aunts that have.
Q Been recognized by the Indians or the U. S. Court? A The U. S. Court.
Q How much Choctaw blood do you claim to have? A I told you I couldn't exactly tell you.
Q If your mother claims to have 1/16, how much do you claim to have? A I said I thought that was what she claimed to have. I was not positive about it.
Q Has your name ever been on the tribal rolls? A No sir.
Q Did you ever apply to the tribal authorities for enrollment? A I came to the Dawes Commission in Durant.
Q I am talking of the Indian Authorities? A I guess not.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q You did apply a year ago at Durant? A Yes sir.
Q What is the name of the father of your children? John A. King.
Q Is he living? A Yes sir.
Q State the name and age of your child? A He was born the 24 of Dec. '98; five years old. Jennie Juliet King.
Q Are there any additional statements you would like to make in regard to your case at this time? A No sir.
Q Are there any papers you would like to file? A No sir.

The enrollment of yourself and child as Choctaw Indians by blood is refused for the reason that your name

names do not appear upon the tribal rolls of the Cheotaw Nation now in the possession of this Commission, and for the additional reason that it appears from the testimony in this case and the records, that neither yourself nor your child have ever been recognized by the lawfully constituted tribal authorities of the Cheotaw Nation as citizens of said nation. And for the further reason that neither you nor your child were admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, acting under the law of June 10, 1896, nor by a judgment of the United States Court for the Indian Territory.

Frances R. Brown, being first duly sworn, says that as stenographer of the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete transcript of the shorthand notes taken in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this
6th day of July, A. D., 1900.

Acting Chairman.

7 R 158

United States of America,
Central District,
of the Indian Territory.

DEPARTMENT OF THE INTERIOR.

To the Honorable Daws Commission to the Five Civilized Tribes.

In the matter of the application of Olive T. King,
et al.

Applicant resides in the Choctaw nation, Indian Territory, and has for the past five years, and her post office is Sterritt, I. T. Applicant is 29 years old, was married to John A. King the 20th day of August, 1893, at Pottsboro, Texas. And they have had born to them as issue of said marriage one child, namely, Jennie Juliet King, 4 years old.

Applicant says that she is the daughter of Nancy J. Collins and her husband David J. Collings, and that her mother Nancy J. Collings whose maiden name was Reynolds is the daughter of Thomas Reynolds and his wife Deidama Reynolds, and that her father Thomas Reynolds was ^wone fourth Mississippi Choctaw Indian, and that her mother Nancy J. Collings, the daughter of Thomas Reynolds and his wife Deidama Reynolds is a 1/8 Mississippi Choctaw Indian by descent, and that she, Olive T. King is a 1/16th Indian by blood and of the Mississippi Decent, as the evidence hereto attached will show, besides the copy of the judgment in the case of W. E. Harvey, et al, hereto attached will show. Said Judgment was obtained in the United States Court in the Indian Territory, Central District, at a Term thereof begun and held at South McAlester, in the Indian Territory, on the 27th day of August, A. D.

J. R. 158

1897. Before the Hon. Wm. H. H. Clayton Judge of said Court. Said judgment is hereto attached and submitted to your honorable body as evidence in such case, believing that the evidence granting her Aunt Mary Malinda Harvey citizenship and making her a member of the Choctaw tribe with the further fact that she is a lineal descendant of the said Thomas Reynolds as the evidence herein will show. Applicant says that the affidavit of Mary Malinda Harvey, her aunt and the copy of the judgment granting her citizenship is the Foundation of her case and the means upon which she bases her claim, and according to the treaties by and entered in to between the Choctaw tribe of Indians and the Government of the United States of America, and especially the treaties of 1830 and 1866, and the laws, usages, and customs of the Choctaw Nation, and all the laws of Congress applicable thereto, A

Wherefore Applicant prays, that she and her child whose name appears on the above petition be inrolled upon the legal roll of the Choctaw Nation and declared to all the rights, Privileges, and immunities of other Mississippi Choctaw Indians, applicant asks that this petition with the evidence hereto attached be heard by your Honorable body and that she and her child be identified as Mississippi Choctaw Indians.

(Signed) Olive T. King.

Subscribed and sworn to this 16th day of July, 1900.

(Signed) J. T. Crawford,

(Seal).

Notary Public.

7-R-158

Indian Territory.

Be it remembered that on this ^{the} 16th day of July, 1900 personally appeared before me a Notary Public in and for the Central District of the Indian Territory, appeared Mary Malinda Malind Harvey, who after being duly sworn by me deposes and says; that her post office is Sterrett, I. T. and that her age is 57 years. And that she is a one-Eight Choctaw Indian, and on the Choctaw rolls, and that she knows Olive King of Sterrett, I. T. whose maiden name was Collings, and that she Olive, is the daughter of her sister Nancy J. Collings and her husband David J. Collings. Affiant says that she knows Olive King, her niece, to be a one sixteenth Choctaw Indian by blood and of the Mississippi Descent. As her mother the sister of affiants is a one eighth blood Choctaw Indian, and the daughter of Thomas Reynolds and his wife Deidama Reynolds, Thomas, her father and the father of the said Nancy J. Collings, who is the mother of the applicant, Olive King, was one fourth blood Mississippi Choctaw Indian. Affiant says that she has known the applicant Olive King from her infancy up and knows her to be the person as above named and described. And knows ^{she} she, Olive King has been a resident of this country for quite a while, and intitled to citizenship as she is an Indian.

(Signed) Mary M. Harvey.

Subscribed and sworn to before me a Notary Public in and for the above named district of the Indian Territory, this the 16th day of July, 1900.

(Signed) J. T. Crawford.

Notary Public.

Seal.

There appears on the back as follows:

7-R-158. Affidavit of Mary Malinda Harvey, case Olive King. Department of the Interior/Commission to the Five Civilized Tribes. Filed Jul 17, 1900, Tams Bixby, Acting Chairman.

Copy.

Choctaw No. R-158.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of }
Olive T. King for the enrollment of }
herself and child, Jennie Juliette }
King, as citizens by blood of the }
Choctaw Nation. }

To Olive T. King,

Sterrett, Indian Territory.

You are hereby notified that you will
be allowed thirty days from date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you and your child are entitled to be identified as Mississippi
Choctaws under the act of Congress of June 28, 1898, which provides
as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

O T K 2.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you and your child are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

SIGNED

T. B. Needles.

Commissioner in Charge.

Register.

Copy.

Sterrett, I. T., Mch 15, 1902.

The Commission to the Five Civilized Tribes,
Muskogee, I. T.

Honorable Sirs:

Your letter and notice written Feb 17, 1902, giving me 30 days to get affidavits rec'd in due time. I would ask you to please extend this time 15 days longer as I cant possibly complete my case in the length of time you have given me.

The case I refer to is that of my claim as missippi choctaw and that of my child Jennie Juliette King. Choctaw R 158.

Obediently yours,

(Signed) Olive T. King.

Lock Box 185 -- Sterrett, I.T.

Indian Territory.

Northern District.

I, Clara Mitchell Wood, a notary public in and for the Norther Judicial District of Indian Territory, do hereby certify that the above and foregoing is a true, correct and perfect copy of the letter of Olive T. King, dated Sterrett, I.T., Mch 15, 1902, and addressed of the Commission to the Five Civilized Tribes; that the same has been carefully compared by me and that it is in all things true and correct.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal of office, this 28th day of April, A.D.1902.

(Signed) Clara Mitchell Wood.

Notary Public.

Copy.

Choctaw R -158

Muskogee, Indian Territory, March 22, 1902.

Olive T. King,

Sterrett, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, acknowledging receipt of our letter of February 17, 1902, in which you were advised that you would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the twenty first section of the act of Congress of June 28, 1898. You request in your letter that the time for the filing of these affidavits be continued for fifteen days.

The time specified in our letter of February 17, 1902, for the submission of such affidavits, having expired, you are advised that you will be allowed thirty days from the date hereof, within which to personally appear before the Commission at its office at Muskogee, Indian Territory, as an applicant for the identification of yourself and your minor child, Jennie Juliet King, as Mississippi Choctaws and introduce such evidence as you may have showing that rights if any, you and said minor child have as the descendants of a Choctaw Indian who resided in the state of Mississippi in 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

If, at the expiration of the said thirty days no such personal application is made by you, it will be the presumption of the Commission that it is not your intention to prosecute such rights if any you might have, as a Mississippi Choctaw and the Commission will then pass upon your right and the right of your minor child to enrollment as citizens of the Choctaw Nation upon the record now made.

Yours truly,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Olive T. King for the enrollment of herself and her minor child, Jennie Juliet King, as citizens of the Choctaw Nation.

DECISION.

It appears from the record in this case that Olive T. King appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation. Further proceedings in the matter of said application were had before the Commission, at Colbert, Indian Territory, on June 20, 1900, in which application Jennie Juliet King, the minor child of said Olive T. King, was also included.

It does not appear from the evidence offered in support of this application and from an examination of the records in the possession of the Commission that either of the applicants herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory, nor does it appear that either of them has ever been admitted to Choctaw citizenship by a legally constituted court or committee of said Nation, nor does it appear that either of them has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the record in this case that the applicant, Olive T. King, has ever been married, in accordance with Choctaw laws, customs and usages, to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495), viz.:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior;"

the principal applicant, Olive T. King, was notified, on February 18, 1902, by registered mail, that she would be allowed thirty days from the date thereof within which to set forth that she claimed the right for herself and her minor child to identification as

Mississippi Shoshone. Thereafter, on March 12, 1902, said Olive E. King requested an extension of time within which to make her claim as a Mississippi Shoshone, and on March 20, 1902, she was given thirty days from that date within which to file her application. Copies of said notices are attached hereto and make a part of the record in this case. No response has been received to said last mentioned notice.

It is, therefore, the opinion of this Commission that Olive E. King and Paula Juliet King are not lawfully entitled to be enrolled as Shoshone of the Shoshone Nation, and that the application for their enrollment as such should be refused, under the provisions of Section 21 of said Act of June 20, 1902, and in so an order, according to the Acts CIVILIZED INDIANS,

ACTING COMMISSIONER.

COMMISSIONER.

COMMISSIONER.

Dated at Muskogee,
Indian Territory, this

DEC -1 1902

Choctaw No. 155

COPY.

Muskogee, Indian Territory, December 1, 1902.

Olive T. King,

Starrett, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for the enrollment of yourself and your minor child, Jennie Juliet King, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED:

David B. Kirby

Acting Chairman.

Registered.
Enc. NT 7

Chectaw R. Isa

COPY.

Muskogee, Indian Territory, December 1, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Olive T. King and her minor child, Jennie Juliet King, as citizens of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED)

Tamo Dixey.

Acting Chairman.

Enc. MT 8

Muskogee, Indian Territory, December 1, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Olive T. King for the enrollment of herself and her minor child, Jennie Juliet King, as citizens of the Choctaw Nation, including the decision of the Commission dated December 1, 1902, denying said application.

Respectfully,

(SIGNED)

Lorne Birby

Acting Chairman.

Enc. Choctaw R. 132

Through the
Commissioner of Indian Affairs.

(COPY)
37349.

D.C.No.17551-1903.

W C F

DEPARTMENT OF THE INTERIOR.
Washington.

ITD.4882-1903.

HAF.
June 15, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

December 1, 1902, you transmitted the record in the matter of the application for enrollment of Olive T. King and her minor child, Jennie Juliet King, as citizens of the Choctaw Nation.

The evidence furnished by the record fails to show that the applicants have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory. It appears from the decision of the Commission that on February 17, 1902, the principal applicant was notified that she would be allowed 30 days from that date within which to set forth any claim she might have, pertaining to the rights of herself and her minor child to identification as Mississippi Choctaws. On March 15, 1902, the principal applicant requested that additional time be given her to set forth such claim, and on March 22, 1902, she was notified that 30 days from that date would be allowed her within which to file her application. No response was received to said last mentioned notice. You refused the application December 1, 1902.

Reporting June 4, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed)

E.A.Hitchcock,
Secretary.

1 inclosure.

Land
72526--1902.

(COPY)
37349.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON,

June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated December 1, 1902, forwarding the record relative to the application of Olive T. King for the enrollment of herself and her minor child, Jennie Juliet King, as citizens of the Choctaw Nation.

December 1, 1902, the Commission held that the applicants were not entitled to enrollment.

The record in the case does not show that these applicants have been admitted to citizenship in the Choctaw Nation by the tribal authorities, the Commission or the Court.

February 17, 1902, the Commission notified the principal applicant that she would be allowed thirty days from that date to submit any claim she might have pertaining to a right to identification as a Mississippi Choctaw. The record shows that the Commission received no response to said notice.

The applicant claims descent from Thomas Reynolds and his wife, Deidama Reynolds. The records of this office do not show that any one by the name of Reynolds complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. The applicants are not therefore entitled to identification as Mississippi Choctaws; and they are not, under the provisions of the Act of May 31, 1900, entitled to enrollment as citizens of the nation.

The approval of the decision of the Commission is recommended.

Very respectfully,

(Signed)

A. C. Tenner,
Acting Commissioner.

G.A.W. (S.)

COPY.

Choctaw-2-134

Washkgee, Indian Territory, July 12, 1903.

Olive T. King,

Sterrett, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, under date of June 16, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by you for the enrollment of yourself and minor child, Jennie Juliet King, as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Chocataw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior, under date of June 15, 1903, affirmed the decision of this Commission, dated December 1, 1902, refusing the application made by Olive T. King, for the enrollment of herself and minor child, Jennie Juliet King, as citizens of the Chocataw Nation.

Respectfully,

T. D. Noddles.
Commissioner in Charge.

The matter of the application of
OLIVE T. KING, et al.,
for enrollment as citizens of the
CHOCTAW NATION.

REFUSED DEC -1 1902

RECORD OF DECISION FOR MARSH
APPLICANT DEC -1 1902

DEC -1 1902

RECORD FORWARDED DEPARTMENT
DEC -1 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. **WUN**

RECORD OF DEPARTMENTAL
ACTION MAILED APPLICANT JUL 14 1903

RECORD OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKSAW NATIONS. **WUL** 4 1903

Choc R 159 Charles T. King

R159

Commission to the Five Civilized Tribes,

Waller, I.T., Nov. 14, 1879.

In the application of Charles T. King for enrollment as a
Cheetaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Charles T. King.

Q How old are you? A Twenty-six.

Q Are you on the Cheetaw roll? A No sir.

Q Have you been? A No sir.

Q Have your father and mother ever been? A No sir.

Q When did you come to the Cheetaw Nation? A On the 10th of
this month.

Q Where from? A Bohman, Texas.

Q Moved here on the 10th of this month? A Yes sir.

Q Never lived in the Territory before? A No sir.

Q Born and raised in Texas? A Yes sir.

Q What degree of Cheetaw blood do you claim? A One-eighth.

Q What was your father? A A white man.

Q What was your mother? A Indian.

Q How much? A I don't know exactly how much.

Com'r McKennon: Enrollment is refused.

(Com'r McKennon: Apparently white)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. King

C O P Y.

Bonham, Texas, February 15th, 1902.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Dear Sir:

I have received your letter requesting me to have such witnesses and affidavids to show that I am entitled to show that I am a descendant of the Indian Tribe.

I have duely done as requested in getting such witness and affidavids as requested but there is a few more witnesses I wish to see and if you will allow me to ask you to be kind enough to extend the said time from 3-17th untill I can see such witness as you require I am doing my best and will continure to get it all in as soon as I can I am present doing all I can I am working faithfull and will endeavor to get it all in so will be no great delay, hoping to her from you soon,

Respectfull,

(Signed) CHARLES T. KING.

Box 357.

INDIAN TERRITORY.

NORTHERN DISTRICT.

I, Clara Mitchell Wood, a notary public in and for the Northern District of the Indian Territory, do hereby certify the above and foregoing to be a true, correct and perfect copy of the original letter of Charlie T. King, dated Bonham, Texas, Feb" 15th, 1902; that the same has been carefully compared by me, and that it is in all things true and correct.

WITNESS my hand and seal this April 26, 1902.

(Signed) CLARA MITCHELL WOOD,
Notary Public.

C O P Y.

Choctaw R 159.

Muskogee, Indian Territory, March 31, 1902.

Charlie T. King,
Post office Box 357,
Bonham, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant replying to our communication of the 17th of February, 1902, advising you that you would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two disinterested parties, showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898.

The time specified in our letter of February 17, 1902, for the submission of such affidavits having expired, you are now advised that you will be allowed thirty days from the date hereof within which to personally appear before this Commission at its office at Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw and introduce such evidence as you may have showing what rights if any you have as the descendant of a Choctaw Indian who resided in the state of Mississippi in 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. If at the expiration of the said thirty days no such personal application is made by you, it will be the presumption of the Commission that it is not your intention to prosecute such rights if any you might have, as a Mississippi Choctaw and the Commission will then pass upon your right to enrollment as a citizen of the Choctaw Nation upon the record now made.

Yours truly,

Register.

Commissioner in Charge.

FVK

7-2-189.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charles T. King for the enrollment of himself as a citizen of the Choctaw Nation, by blood.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Charles T. King, appeared before the Commission at McAlester, Indian Territory, on November 14, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant, Charles T. King, has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of this Commission, nor does it appear that he has ever been admitted ||

to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

It appears from the evidence submitted that the said Charles T. King was born and raised in the state of Texas and never in good faith removed to and in good faith settled in Indian Territory on or about the 10th day of November, 1899.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant, Charles T. King, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of section twenty-one of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. In response to said notice, the applicant, said Charles T. King, requested additional time in which to comply with the provisions thereof, and

FVK

-3-

thereafter on March 21, 1902, the applicant was notified by this Commission that he would be allowed thirty days from the date thereof, within which to personally appear before this Commission at its office at Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw, and introduce such evidence as he might desire touching his rights thereto. The time so allowed such applicant has expired and no personal appearance has been made by or on behalf of the said Charles T. King for such identification as a Mississippi Choctaw.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

And also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission
that Charles F. King is not lawfully entitled to be enrolled as a
member by blood of the Choctaw tribe of Indians in Indian Terri-
tory, and that his application therefor, should be refused, and
it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

COPY

7-R-136.

Waukegon, Indian Territory, May 19, 1902.

Charles T. King,
Benham, Texas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. H. H. H.

W. H. H. H.

Acting Chairman.

1 inclosure.
Registered.

COPY

7-2-189.

Messrs Vansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Charles T. King as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Farley

Acting Chairman.

1 inclosure.

COPY.

Waskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Charles T. King for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Charles T. King as a citizen of said nation.

Respectfully,

John D. Dwyer

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,950-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON, June 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Charles T. King for enrollment as a citizen of the Choctaw Nation.

The Commission refused to enroll him.

From the record it appears that the name of this applicant does not appear on any of the Choctaw rolls and that he has never been admitted or recognized as a Choctaw citizen.

It also appears that he was allowed 30 days to submit to the Commission affidavits showing that he was entitled to identification as a Mississippi Choctaw, and that he failed to produce any evidence as required .

I am therefore of the opinion that the decision of the Commission refusing to enroll said applicant was correct, and I respectfully recommend that said decision be approved.

Very respectfully,

Your obedient servant,

A.O. Tonner,
Acting Commissioner.

(E.S.S.) P.

D.C. 10842-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3774-1902.

WASHINGTON.

June 19, 1902.

L R 5

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Charles T. King as a citizen by blood of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen, and had not prior to June 28, 1898, removed to and in good faith settled in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed. The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Chectaw B-189.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMuray & Cernish,
Attorneys for Chectaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Charles T. King, for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

SIGNED:

I. B. J. Eccles.

Commissioner in Charge.

COPY.

Choctaw P-159.

Muskogee, Indian Territory, July 1, 1902.

Charles T. King,

Benham, Texas.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED.

I. B. Needles.

Commissioner in Charge.

USED MAY 19 1902

DECISION FORWARDED
APPLICANT MAY 19 1902

NATIONS MAY 19 1902

RECORD FORWARDED DEPARTMENT
MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

OFFICE OF DEPARTMENTAL
APPLICANT JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION
FORWARDED BY THE SECRETARY OF INTERIOR
FOR CHOOTAW JUL -1 1902
NATIONS.

Choc R160 Pamie King

R160

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Pattie King for enrollment as a Choctaw,
being sworn and examined by Comdr. McKenney and testifies:

Q What is your name? A Pattie King.

Q How old are you? A Thirty-seven.

Q Where do you live? A Durant.

Q Where did you come from? A Krebs.

Q How long have you been living in the Choctaw Nation?

A Four years.

Q Where did you come from? A I came from Texas.

Q You were born and raised in Texas? A I was born in Ken-
tucky and I was raised in Texas.

Q Are you on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Your father and mother on the Choctaw rolls? A Yes sir, I
think they are.

Q What are their names? A Reynolds.

Q When were they enrolled? A I don't know sir.

Q Where did they live? A They lived at Sherman, Texas.

Q Did they die there? A Yes sir.

Q Were they ever in the Territory? A They never lived in the
Territory; my sister is on the rolls.

Comdr. McKenney: Enrollment is refused.

Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify that the official with his
signature to the Commission, that this
document is a true, full and correct translation of
my stenographic notes.

M. J. McQueen

Commissioner to the Five Civilized Tribes.

Burns, Indian Territory.

Is the application of Battle King to enrollment as a Choctaw being sworn and examined by George McKenney and certified?

Q What is your name? A Battle King.

Q How old are you? A Thirty-seven.

Q Where do you live? A Forest.

Q Where did you come from? A Krebs.

Q How long have you been living in the Choctaw nation?

A Four years.

Q Where did you come from? A I came from Texas.

You were born and raised in Texas? A I was born in Kentucky and I was raised in Texas.

Q Are you on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Your father and mother on the Choctaw rolls? A Yes sir, I think they are.

Q What are their names? A Reynolds.

Q When were they enrolled? A I don't know.

Q Where did they live? A They lived at Sherman, Texas.

Q Did they die there? A Yes sir.

Q Were they ever in the Territory? A They never lived in the Territory; my sister is on the rolls.

George McKenney: Enrollment is refused.

Department of the Interior

Tom Sprowls.

Mark McMahon.

Sprowls & McMahon,
Attorneys and Counselors at Law.
Durant, Indian Territory.

March 14, 1902.

Mr. Tams Bixby,
Acting Chairman Dawes Commission.
Muskogee, Indian Territory.

Dear Sir:

In the case of Mrs. Pattie B. King, et al, for enrollment as Miss. Choctaws, we beg to say that she received notice two or three days ago from the Commission requesting her to make proof on the 17th, instant, in support of her application for enrollment as a Miss. Choctaw.

The notice was sent to her at Coal Gate but was forwarded to her at that place too late to make proof within the required time. She therefore asks that you extend the time about twenty days and notify her at Durant of the time set for the hearing.

Very truly yours,

(Signed) Sprawls & McMahon, per W.T.
Sprawls.

INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Clara Mitchell Wood, a notary public in and for the Northern District of Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the letter dated Durant, Indian Territory, March 14, 1902, and signed by Sprawls & McMahon, per W. T. Sprawls; that the same has been carefully compared by me and that it is in all things true and correct.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this April 26, A. D. 1902.

(Signed) CLARA MITCHELL WOOD.
Notary Public.

Muskogee, Indian Territory, March 22, 1902.

Sproles & McMahon,

Durant, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th in which you state that Mrs. Pattie E. King has received a notice from the Commission requesting her to make proof on the 17th instant in support of her application for enrollment as a Mississippi Choctaw and in which you request that the time for making such proof be extended twenty days.

On February 17th, 1902, a notice was forwarded Pattie King advising her that she would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses, showing that she is entitled to be identified as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898.

The time specified in our letter of February 17, 1902, for the submission of such affidavits having expired, you are advised that Pattie King will be allowed thirty days from the date hereof, within which to personally appear before this Commission at its office at Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw and introduce such evidence as she may have showing what rights if any she has as the descendant of a Choctaw Indian who resided in the state of Mississippi in 1830 and who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation.

If at the expiration of the said thirty days no such personal application is made by Pattie King, it will be the presumption of the Commission that it is not her intention to prosecute such rights if any she might have as a Mississippi Choctaw and the Com-

mission will then pass upon her right to enrollment as a citizen of

the Choctaw Nation upon the record now made.

Yours truly,

(SIGNED)

Commissioner in Charge.

Durant, I. T.

April 12th, 1902.

Mr. Allison L. Aylesworth,
Secretary.

Dear Sir:

In reply to Choctaw No. R 160 will say this, can get witness, Mr. John Lewis, aged 88 years and Tobias C. Wards, to swear that they knew my ancestors. Just to tell you the truth I am so financially embarrassed that I cant attend to this just yet. Mr. John Lewis will swear that he knew that my father, Mr. Thomas Reynolds, was a Mississippi Choctaw Indian. His post office is Caddo, It--I am "Mrs" Pattie B. King, but married a Mr. S. Dunkin the third of this last October, and was so financially embarrassed while a widow, only a "Music Teacher," that I a little delicate woman ~~could~~ could not be equal to the occasion, so I have married an old man, who I and others think has the consumption So in my perplexities I turn to you to know just what to do-- Listen Mrs. "Mary M. Harvie is a full sister of mine and has her land and is located on it --(at Sterrett, It.)

Listen, she or her attorneys wont let me know just what she said or done to get in. G. W. Goodwin, her attorney, the contemptable cur is a going to try to knock me out if he can, because I have never given him any money. Now then my son Charles, Thomas King, is my own son, if my son Tommie gets his, cant I get mine-- those Commissioners taken my statement while you or they was here in Durant -- I need this land or I would not write this to you. So excuse me and tell me just what to do. I was too ill at attend to this when you sent it to "Krebs" but it was forwarded to Durant, my atopping place for the last three years-- then to-day I am quite ill. So excuse this poorly gotten up letter.

I sincerely hope you will answer this at once, and you will
vastly oblige,
(Signed) "Mrs" S. Dunkin.
(Hoe) "Mrs" Pattie B. King.

Mr. John Lewis will be at Muskogee next Tuesday which is the 18
if you see him show him this letter and if convenient let him swear
it before you. Will you do this for me please--That he knew my
ancestors to be Mississippi Choctaw Indians. You know what to ask
him -- I dont just what to tell you - but catch him if you can
while there if it dont discomode you. If you dont aid me I am
Left.

INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Clara Mitchell Wood, a notary public in and for the
Northern District of the Indian Territory, do hereby certify, that
the above and foregoing is a true, correct and perfect copy of the
letter of "Mrs. S. Dunkin" Dated Durant, Indian Territory, April
12, 1902, that the same has been carefully compared by me; that it
is in all things true and correct.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this
April 26, 1902.

(Signed) CLARA MITCHELL WOOD,
Notary Public.

Choctaw R 160.

Muskogee, Indian Territory, April 17, 1902.

Mrs. S. Dunkin,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 12th instant replying to our communication of February 17, 1902, in which you were notified that you would be allowed thirty days from that date within which to submit to this Commission an affidavit corroborated by two witnesses showing that you claim the right to be identified as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898.

In your letter you call the attention of the Commission to several reasons for your inability to reply at an earlier date.

It appears from our records that after the receipt of this notice by you that you called the attention of Messrs Sprouls & McMahon of Durant, Indian Territory, to this matter, and on March 22, 1900, they were fully advised in regard thereto.

It does not appear that any attempt has been made to comply with our notice of February 17, 1902, relative to the submission of affidavits, and as the time has now long since expired the Commission will now take up for consideration and pass upon your rights to enrollment as a citizen of the Choctaw Nation.

Yours truly,

James A. Hargis

Acting Chairman.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Pattie King, (now Mrs. S. Dunkin), for the enrollment of herself as a citizen of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Pattie King, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, and ending August 18, 1909, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation, and it appears that the said applicant, Pattie King, was on October 2, 1901, married to one S. Dunkin.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant, Pattie . King, has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the

tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from the records of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear from the evidence submitted that the applicant, Pattie King, has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have under the provisions of section twenty-one of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other act necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. A response was received thereto from the attorneys of said applicant, requesting additional time in which to comply with the provisions of

said notice, and thereafter, the Commission notified the said Pattie King that she would be allowed thirty days from March 22, 1902, within which to personally appear before this Commission at its office in Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw and to introduce evidence in support thereof. The time so allowed the applicant has expired and no personal appearance has been made by or on behalf of the said Pattie King.

Thereafter in response to a letter from the applicant, a copy of which is attached hereto and made a part of the record in this case, the said applicant was notified that the Commission would immediately take up for consideration and pass upon her application.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".


The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such and its refusal of such applications shall be final when approved by the Secretary of the Interior".

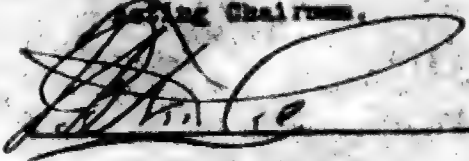
It is, therefore, the opinion of this Commission that Pattie King (now Mrs. S. Dunkin), is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in

-4-
Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.

Wuskagee, Indian Territory,

MAY 19 1902

Choctaw R 160

COPY.

Muskogee, Indian Territory, May 16, 1902.

Mrs. S. Dunkin,

Durant, Indian Territory,

Dear madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

Cheetaw R 100.

COPY.

Muskogee, Indian Territory, May 19, 1908.

Kanefield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen;

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Pattie King, (now Mrs. S. Dunkin), as a citizen of the Cheetaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Pattie King (now Mrs. S. Dunkin), for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Pattie King, (now Mrs. S. Dunkin), as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.
Choctaw B 160.

Through the Commissioner
of Indian Affairs.

Land.
30980-1902

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, June 25, 1902

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of Pattie King for enrollment as a citizen of the Choctaw Nation.

From the record transmitted it appears that this applicant was never enrolled, admitted or recognized as a Choctaw Citizen.

It further appears that on February 17, 1902, the applicant was duly notified by the Commission that she would be allowed 30 days from the date of said notice within which to produce evidence showing her right to identification as a Mississippi Choctaw. On March 22, 1902, the time was extended an additional 30 days. The time so allowed expired and no personal appearance by the applicant or by any one in her behalf was made to the Commission or any evidence produced to show that she was entitled to identification as a Mississippi Choctaw.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission

-2-

refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tomner,

Acting Commissioner.

M. S. S.

(COPY)

38046

D.C.10949-1902.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D.3935-1902.
L.R.S.

June 28, 1902.

7.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of May 19, 1902, you transmitted the record in the matter of the application for enrollment of Pattie King (now Mrs. S. Dunkin) as a citizen of the Choctaw Nation. You refused the application because she has never been enrolled or admitted as a citizen of said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell
Acting Secretary.
F. M. D.

1 inclosure.

Chester B-100

COPY.

Mustang, Indian Territory, July 8, 1902.

Fattie King,

Durant, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 22, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

Acting Chairman.

COPY.

Chester R-150

Muskogee, Indian Territory, July 6, 1902.

Messrs. Mansfield, McHenry & Cornish,
Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 28, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Pattie King for the enrollment of herself as a citizen of the Chester Nation.

Yours truly,

(SIGNED)

James Dixey.

Acting Chairman.

265-1909

Muskogee, Oklahoma, January 8, 1909.

Mrs. Pattie B. Dunkin,
Bokchito, Oklahoma,
Madam:

Your letter of December 21, 1908, addressed to the Secretary of the Interior, has been referred to this office for reply. Therein you state that you are entitled to an allotment of land but that your application was denied and you ask if there is now any method by which you may be enrolled.

In reply you are advised that it appears from the records of this office that your application for enrollment as a citizen of the Choctaw Nation was denied by the Commission to the Five Civilized Tribes on May 19, 1902, and that this action was approved by the Secretary of the Interior June 28, 1902.

You are further advised that the newspaper clipping inclosed by you apparently refers to certain persons whose names had at one time been placed upon the approved rolls of citizens of the Five Civilized Tribes and not to persons whose applications for enrollment have been refused.

You are informed that the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907 and that this office is now without authority to receive or entertain the application

P B D 2

of any person for enrollment as a citizen or freedman of any of said tribes.

Since the date above mentioned there has been no further legislation relative to enrollment in the Five Civilized Tribes nor have I any information as to the probability of the reopening of the rolls in the future.

Respectfully,

Acting Commissioner.

USED

MAY

MAY

MAY

DECISION FORWARDED
FOR CHOCTAW AND
CHICKASAW NATIONS.

FORWARDED DEPARTMENT. MAY

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 28 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -8 1902

FOR DEPARTMENTAL ACTION
MAILED AT TORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -8 1902

Choc R161

Florence Krebs

Charles Krebs

R161

Department of the Interior.

Established by the Five Civilized Tribes.
I hereby certify that the following is a true and correct translation of the original in the Cherokee language.
My Commission expires the 1st day of January, 1900.

McKinnon

Commission to the Five Civilized Tribes.

Atoka, Indian Territory.

In the surveillance of Florence Mabon and brother as witnesses;
being sworn and examined by Commissioner and stated:

Q What is your name? A Florence Mabon.

Q How old are you? A Twenty-four.

Witness: My brother is sick, and he cannot be present.

Q You and your brother are not on the ghostly rolls in the
ghostly nation? A No sir.

Q Ever since been? A No sir, we appeared before the ghostly
Commissioners over a year ago, but they were not taking new cases
then.

Q What is your brother's name? A Charles, aged 22.

Q Were your father and mother ever on the rolls in the ghostly
nation here? A I don't think they were, my father lived here a
short while and then returned to Mississippi.

Q When did you come from Mississippi? A 10th of September
1897.

Q From Mississippi? A Yes sir.

Q Have you any proof that your parents complied with the 14th
Article of the Treaty of 1830? A I don't know sir, I have my
father's sister right here, my aunt.

Many persons being sworn and examined testified:

Q What is your name? A Mary Mabon.

Q How old are you? A Twenty-four.

Q You are related to this lady? A Yes sir, she is my aunt
and her brother is my father.

Q You are both right? A Yes sir, my father and mother were
never on the rolls, and my father was never on the rolls.

JVK

7-2-191.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Florence Krebs for the enrollment of herself and her brother Charles Krebs as citizens of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Florence Krebs, appeared before the Commission at Atoka, Indian Territory, during its session thereat, beginning August 28, 1899 and ending September 2, 1899, and then and there made personal application for the enrollment of herself and her brother, Charles Krebs as citizens of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation that the applicants have ever been enrolled as citizens of the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of

the Commission, nor does it appear that they have ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It appears from the evidence and the records of this Commission that application was made in behalf of Florence Krebs and Charles Krebs, as Charlie Krebs, minors, under the act of Congress of June 10, 1896, (29 Stats., 321), in the cause entitled Stephen Krebs, et al., vs. Choctaw Nation, (1896 Docket "Q" Choctaw No. 1194), on September 7, 1896, for citizenship by blood in the Choctaw Nation, which application was on December 7, 1896, by this Commission denied, and on appeal therefrom in said cause to the United States Court in Indian Territory, Central District, at South McAlester, on July 13, 1897, Court case No. 42, such decision of this Commission was affirmed.

It does not appear from the evidence offered in support of this application that Florence Krebs has ever been married to a recognized and enrolled citizen of the Choctaw Nation; neither does it appear that Charles Krebs has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen thereof.

For the purpose of protecting any rights the applicants might have as Mississippi Choctaws, under the provisions of section 21 of the act of Congress of June 28, 1898, (30 Stats., 496), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September, twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicants Florence and Charles Krebbs were on February 17, 1902, notified by registered mail that they would be allowed thirty days from the date thereof within which to set forth that they claimed a right to identification as Mississippi Choctaws. Copies of said notices are attached hereto and made a part of the record in this case. No response has been made by or on behalf of the applicants, to said notices.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood, of all the other tribes, excepting Cherokee, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Florence Krebbs and Charles Krebbs are not lawfully entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory and that the application for their enrollment as

such, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

7-2-161

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Florence Krebs and Charles Krebs as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

7-R-161

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Florence Krebs as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Florence Krebs and Charles Krebs as citizens of said nation.

Respectfully,

Samuel H. Hays

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

Land.
30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Florence and Charles Krebbs for enrollment as Choctaw citizens. The application was refused by the Commission.

From the record it appears that application was made in behalf of the above named applicants for enrollment as Choctaws in 1896; that the application was refused by the Commission; that appeal was taken to the U.S. Court and the decision of the Commission was by said court affirmed.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,
Your obedient servant,

A. C. Tenner,
Acting Commissioner.

R. S. S.
L.

COPY.

D.C.10536-1902.

Department of the Interior.

I.T.D.3713-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Florence and Charles Krebs as citizens of the Chectaw Nation. You refused the application because neither of the applicants had ever been enrolled or admitted to citizenship of said Nation and their application under the act of June 10, 1896 (29 Stat., 321), was denied by your Commission in 1896 and upon appeal being taken, the United States Court affirmed your decision. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw R-161.

Muskogee, Indian Territory, July 1, 1902.

Florence Krebs,

Atoka, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself and your brother, Charles Krebs, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw B-161.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Florence Krebs for the enrollment of herself and her brother, Charles Krebs, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED)

E. B. Needles.

Commissioner in Charge.

7-R-161.
C-97.

Muskogee, Indian Territory, June 27, 1906.

C. C. McCarty,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 30, asking what action has been taken in regard to the case of the sister of Mrs. George W. Morrison, and also the status of the case of Charles W. Krebs and Sarrie Alithcote Kizer.

In reply you are advised that on May 19, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Florence Krebs and Charles Krebs as citizens of the Choctaw Nation, and on June 19, 1902, this action was affirmed by the Secretary of the Interior.

You are further advised that no action has yet been taken in the matter of the petition of Sarah Elizabeth Kizer for enrollment under the opinion of the Department in the Choctaw enrollment case of Lula West, et al.

The case of George S. Griffen, concerning which you inquire in your letter, will be made the subject of a separate communication.

Respectfully,

Commissioner.

7-B-161

Muskogee, Indian Territory, September 21, 1906.

C. C. McCarty,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 8, 1906, in which you refer to the case of Charles W. Krebs et al. who claims citizenship under Article 14 of the Treaty of 1830 and also under the Atoka Agreement; you state that you have been informed by this office that an application was made for the enrollment of Charles Krebs about the year 1900; that this application was denied May 19, 1902 and approved by the Secretary of the Interior June 19, 1902; you therefore ask for a hearing in this case.

In reply to your letter you are advised that one Charles Krebs and his sister Florence Krebs were applicants for enrollment in the Choctaw Nation and on May 19, 1902, this application for their enrollment was refused by the Commission to the Five Civilized Tribes. This action was approved by the Secretary of the Interior June 19, 1902.

You are advised, however, that there is no means of

identifying Charles Krebs referred to in your letter as the Charles W. Krebs referred to in the petition forwarded by you to the Attorney General under date of February 26, 1906.

Respectfully,

Commissioner.

7-R-161

Muskogee, Indian Territory, January 26, 1907.

C. C. McCarty,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of January 17 and January 21, 1907, relative to the case of Charles W. Krebs et al.

In reply to your letter you are advised that it does not appear from the records of this office that any petition for rehearing was filed in support of the application for the enrollment of Florence Krebs and her brother Charles Krebs as citizens of the Choctaw Nation and if these are not the persons referred to in your letter it is impracticable to identify the Charles W. Krebs concerning whom you inquire.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 18, 1907.

C. C. McCarty,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 1, 1907, relative to the application for the enrollment of Charles Krebbs and Florence Krebbs; you state that these applicants are entitled to enrollment under the Act of Congress approved April 26, 1906 and you ask for a hearing in the case so the testimony can be heard and considered.

In reply to your letter you are advised that it does not appear from the records of this office that a petition for rehearing has been filed prior to June 25, 1906, in the matter of the application of Florence Krebbs and Charles Krebbs for enrollment as citizens of the Choctaw Nation and in this connection your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

".....and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases

C. C. McC. #2

such action shall be made within sixty days after the
passage of this Act."

Respectfully,

Commissioner.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Charles Krebs,

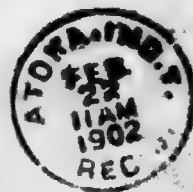


2147

Atoka,

Indian Territory.

W. H. H. H.



COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

41-103
RECEIVED IN FILE WITH THE FOLLOWING

Choctaw No. R-161.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Florence Krebs and Charles Krebs for)
the enrollment of themselves as citi-)
zens by blood of the Choctaw Nation.)

Charles Krebs,

Aloka, Indian Territory,

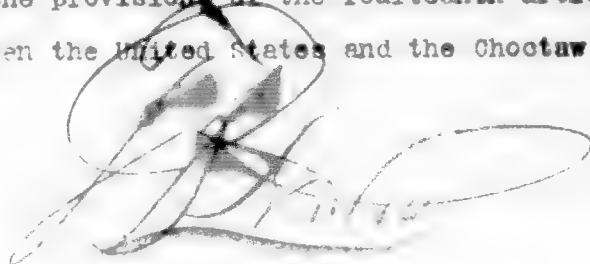
You are hereby notified that you
will be allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you are entitled to be identified as a Mississippi Choctaw
under the act of Congress of June 28, 1898, which provides as
follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the

C. K., 2..

corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

8102

Malman



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2148



Florence

Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-000

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-161

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Florence Krebs and Charles Krebs for)
the enrollment of themselves as citi-)
zens by blood of the Choctaw Nation.)

Florence Krebs,

Atoka, Indian Territory,

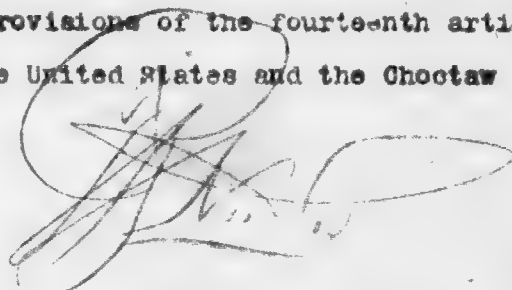
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by ~~two~~ witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Choctaw Indians who resided in the state of Mississippi

F. K., 2,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the right side of the text block.

Commissioner in Charge.

Register.

Reg. $\frac{248}{228}$

RETURN TO WRITER

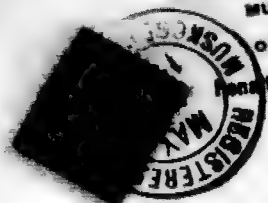
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7827

Florence Krebs,

Atoka,

UNCLAIMED

Indian Territory.

Supposed to be in 1905

Unknown



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7-R-161.

Muskogee, Indian Territory, May 19, 1902.

Florence Krebs,

Atoka, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your brother Charles Krebs as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

Reg. 247
223.

RETURN TO WATER

Department of the Interior.
Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.



Charles Krebs,
Atoka,

UNCLAIMED.

Indian Territory.

Unknown

7826

3909



COMM. NO. 1
HENRY L. DAWES
TAMM BIRBY
THOMAS B. HERRICK
C. R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

4008
REFER IN REPLY TO THE FOLLOWING

7-R-161

ADDRESS: AS FOLLOWS
1902

Muskogee, Indian Territory, May 19, 1902.

Charles Krebs,

Atoka, Indian Territory,

Dear Sir:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

1 inclosure.
Registered.

MAY 19

MAY 19

MAY 19

MAY 19

ACT APPROVED BY

SECRETARY OF INTERIOR

JUN 19

OFFICE OF DEPARTMENTAL ACTION

RECEIVED APPLICANT, JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION

RECEIVED AT JERSEY FOR CHOCTAW

AND CHICKSAW NATIONS

JUL -1 1902

CHOC R162

Lorena C. Langley

R162

Commission to the Five Civilized Tribes,
Oulvin, Ind. Ter., Aug. 8, 1899.

In the enrollment of Lorena C. Langley as a Choctaw; being
sworn and examined by Com'r McKenna and testifies:

Q What is your name? A Lorena C. Langley.

Q How old are you? A Fifty-two.

Q You never have been put upon the rolls? A No sir; not as I
know of.

Q You a Choctaw or a Chickasaw? A I am a Choctaw.

Q You never have been put upon the rolls? A No sir.

Q You never have been admitted by the court? A No sir.

Enrollment refused, as applicant is not on the rolls.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. A. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----800-----

In the matter of the application of Lorena C. Langley for the enrollment of herself as a citizen of the Cheetaw Nation.

D E C I S I O N.

The record in this case shows that the applicant, Lorena C. Langley, appeared before the Commission at Calvin, Indian Territory, on the 8th day of August, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Cheetaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Cheetaw Nation in the possession of the Commission, that the applicant has ever been enrolled as a citizen of the Cheetaw Nation, nor does her name appear upon any of the tribal rolls of the Cheetaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cheetaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicant has never been admitted to citizenship in the Cheetaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in ac-

accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 17th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, reads as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:




"Said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Lorena C. Langley is not lawfully entitled to be enrolled as a member of the Cheataw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY 12 1902


Acting Chairman.

Commissioner.

Commissioner.

Montages, Indian Territory, February 9, 1901.

Laura C. Langley,

Savanna, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of the 3rd instant wherein you state that your father was a Choctaw and your mother a Chickasaw which makes you an Indian by blood. That you desire to be informed as to your right to enrollment as a citizen of either the Choctaw or Chickasaw Nation.

You are informed that the records of the Commission show that at Calvin, Indian Territory, on August 28th, 1899, you appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation and at that time after a consideration of the testimony offered by you in support of your application, the Commission refused to enroll you as a citizen of the Choctaw Nation and that subsequently thereto, on June 5th, 1900, you appeared before the Commission at Atoka, Indian Territory and made application for enrollment as a citizen by blood of the Chickasaw Nation and also applied on behalf of your children, Sarah, Eliza, Minnie Julia and Samuel Thomas Langley. After a consideration of the testimony offered by you in behalf of such application for the enrollment of yourself and children as citizens of the Chickasaw Nation, the following decision was rendered:

"The application of yourself and your children for enrollment as citizens of the Chickasaw Nation is hereby denied for the reason that your name and the names of your children do not appear on the rolls of the Chickasaw Nation nor does it appear from your testimony

L C I 8

that either you or your children have ever been admitted to citizenship in the Cherokee or Chickasaw Nation by the official authorities of the Nation or by the legally constituted authorities of the United States."

The Commission will in a short time render a written decision stating fully therein the reasons for its action in refusing to enroll you and your children as citizens of either the Cherokee or Chickasaw Nation. A copy of such decision will be mailed to you at your present post-office address.

Yours truly,

SIGNED

James D. Pivoy

Acting Chairman.

7-2-162

9-2--24

Chectaw R-162.

COPY.

Muskogee, Indian Territory, May 12, 1902.

Lorena C. Langley,
Savanna, Indian Territory.

Dear Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNATURE)

James D. Kirby

Acting Chairman.

1 enclosure.
Chectaw R-162.
Registered.

Cheetaw R-162.

COPY.

Muskogee, Indian Territory, May 12, 1902.

Mansfield, McFerray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lorena C. Langley as a citizen of the Cheetaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *James Bixby.*

Acting Chairman.

1 enclosure.
Cheetaw R-162.

COPY.

Mustangos, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Lorena C. Langley for enrollment as a citizen of the Chectaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Lorena C. Langley as a citizen of said nation.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman.

1 enclosure.
Chectaw B-162.

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land }
29845-1902 }

Washington, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Lorena G. Langley for enrollment as a Choctaw citizen.

The application was refused by the Commission.

From the evidence it appears that this applicant was never enrolled, admitted or recognized as a citizen of the Choctaw Nation and that she does not claim as a Mississippi Choctaw.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant.

I therefore respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant.

A. C. Tenner,

Acting Commissioner

(L.S.S.) P.

C O P Y.

D.C.10108-1902.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D.1379-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in matter of the application for enrollment of Lorena G. Langley as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

Chectaw R 192

Muskogee, Indian Territory, June 27, 1902.

Lorena C. Langley,

Savanna, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation,

Yours truly,

SIGNED

T. F. Needles

Commissioner in Charge.

Chectaw R 102

Muskogee, Indian Territory, June 27, 1902.

Mansfield, McFurray & Carnish,

Attorneys for the Chectaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Lorena G. Langley for the enrollment of herself as a citizen of the Chectaw Nation.

Yours truly,

(SIGN)

Commissioner in Charge.

7-E-162.

Muskogee, Indian Territory, August 18, 1902.

Lorena C. Langley,
Wapanucka, Indian Territory.

Dear Madam:

The Commission is in receipt of your communication of the 7th instant, relative to your change of residence from Savanna, Indian Territory, to Wapanucka, Indian Territory, and requesting that any mail directed to you at the former place be now forwarded to your present address.

In reply there is enclosed your letter of the Commission addressed to you on February 17, 1902, at Calvin, Indian Territory, letter addressed to you on May 12, 1902, at Savanna, Indian Territory in which was enclosed decision of the Commission relative to your application for enrollment as a citizen of the Choctaw Nation, and letter addressed to you on June 27, 1902, at Savanna, Indian Territory. All of these letters were returned to the Commission unclaimed.

Yours truly,

4 enclosures.
H.B., 136.

Acting Chairman.

CHOCTAW

In the matter of the application
of Lorena C. Langley for enrollment
as a citizen of the Choctaw Nation,

REFUSED MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEY GENERAL CHOCTAW NATION
CHICKASAW NATION MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 12 1902

NOT RECORDED
ACTION RECORDED JUN 27 1902

FORWARDED JUN 27 1902

Choc R163 Louisa Lane

refer to MCR 5245

R163

Choc R164 Mary A. E. Lewis

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Mary A. E. Lewis for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary A. E. Lewis.

Q How old are you? A Sixty-three.

Q You made application in 1896 to the Dawes commission did you?

A Yes sir.

Q Didn't you get any notice that you were rejected? A No sir, I did not; and I haven't yet.

Q You are not on the list of those admitted by the Dawes commission, and no question but that your application is denied, and if so, that judgment is final against you; you have never been on the Choctaw rolls have you? A Not unless Mr. Ish put me on.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Mary A. E. Lewis, for the enrollment of herself as a citizen of the Choctaw Nation.

66

D E C I S I O N

It appears from the record in this case that the applicant, Mary A. E. Lewis, appeared before the Commission at South McAlester, Indian Territory, during its session thereat beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation,

nor does her name appear upon any of the tribal rolls in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It does not appear from an examination of the records in the possession of the Commission that this applicant has ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five civilized Tribes, or by a decree of the United States Court in the Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321), nor is there any record of any application to this Commission on behalf of said Mary A. E. Lewis under the provisions of the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation; neither does it appear that Mary A. E. Lewis has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of section 21, of the act of Congress of June 28, 1898, (30 Stats., 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and

made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 25, 1898 (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

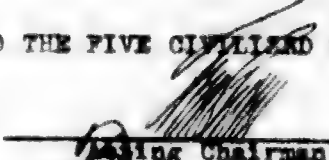


" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats. 423), in a portion of the second paragraph thereof is as follows:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribes in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Mary A. E. Lewis, is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Waskagee, Indian Territory,

MAY 19 1902

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary A. E. Lewis as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

7-R-164

Muskegee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary A. E. Lewis for the enrollment of herself as a citizen of the Chectaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Mary A. E. Lewis as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

WASHINGTON.

June 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Mary A.R. Lewis for enrollment as a citizen of the Choctaw Nation.

The Commission refused to enroll her.

As this applicant was never enrolled or in any way recognized as a Choctaw citizen, it is the opinion of this office that the Commission had no authority to enroll her under the existing law.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A.G. Tomner,

Acting Commissioner.

(E.S.S.)

P.

D.C. 10344-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3772-1902.

WASHINGTON.

June 19, 1902.

L R B

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Mary A.E. Lewis as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter of June 14, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Choctaw R 164.

Madagascar, Indian Territory, July 1, 1908.

Mary A.E. Lewis,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

[Signature]

Commissioner in Charge.

COPY.

Choctaw X 144.

Mustoge, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Mary A.E. Lewis for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED

Commissioner in Charge.

Reg 391

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

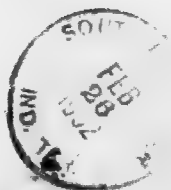


Mary E. Lewis,

~~South McAlester,~~

Indian Territory.

2844



COMMISSIONERS
HENRY L. DAWES
TANS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

411447B
OFFICE IN REPLY TO THE FOLLOWING
Choctaw R-164

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Mary E. Lewis, for the enrollment of)
herself as a citizen by blood of)
Choctaw Nation.)

To Mary E. Lewis,

South McAlester, Indian Territory.

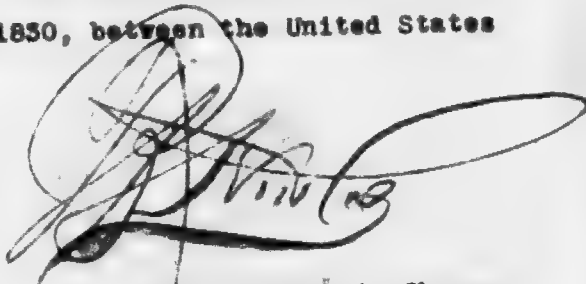
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the Act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you

M. E. L., 2.

are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth Article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the end and a horizontal line across the middle.

Commissioner in Charge.

Register.

Reg 83:8

UNCLAIMED.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7847

Mary A. E. Lewis,

South McAlester,

Indian Territory.



COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

7-R-164

Muskogee, Indian Territory, May 19, 1902.

Mary A. E. Lewis,

South McAlester, Indian Territory,

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Registered.

In the matter of the application for
the enrollment of Mary A. E. Lewis
citizen of the Choctaw Nation.

REFUSED.

MAY 19 1902

MAY 19 1902

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 10 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1 1902

Choc R 165 Emma Lee

refer to MCR 64

R165

Choc R166 Anna Lee

R166

Commission to the Five Civilized Tribes,

Cadde, Indian Territory.

In the application of Anna Lee for enrollment as a Choctaw,
being sworn and examined by Com'r McKenna she testifies:

Q What is your name? A Anna Lee

Q How old are you? A Thirty.

Q Where do you live? A At South McAlester.

Q How long have you lived there? A About ten years.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been?

A No sir.

Q Have your father and mother ever been on the rolls?

A No sir.

Com'r McKenna:

Enrollment is refused.

Department of the Interior,

Commissioner of the Five Civilized Tribes.

I have read the foregoing statement of Anna Lee and find it to be true and correct and that she is a Choctaw and entitled to enrollment as such.

M. D. Mason

7-2-189

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anna Lee for enrollment as a citizen of the Choctaw Nation.

D E C I S I O N .

It appears from the record in this case that the applicant, Anna Lee, appeared before the Commission at Cadde, Indian Territory, at its session thereat beginning August 21, 1898, and ending August 25, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

For the purpose of protecting any right the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on the 17th. day of February, 1902, notified by registered mail that she would be allowed thirty days from the date thereof in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 498), provides:

"Said Commission is authorized and direct to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees)/ eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants from since said rolls were made,

with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes. "

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled as such, and its refusal of such application shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Anna Lee, is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

MAY -9 1902

COPY.

Choctaw B-166

Muskogee, Indian Territory, May 9, 1902.

Manfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Anna Lee as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure.
Choctaw B-166

COPY.

Choctaw B-106

Washings, Indian Territory, May 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Anna Lee for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 9, 1902, refusing the application for the enrollment of Anna Lee as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

1 inclosure
Choctaw B-106

Through the Department
of Indian Affairs.

COPY

Refer in reply to
the following:
Land.
29,240-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the evidence and record in the application of Anna Lee for enrollment as a Choctaw citizen. The application was rejected by the Commission.

From the evidence it appears that neither the applicant nor her parents were ever enrolled or in any way recognized as Choctaw citizens and therefore the Commission had no authority to enroll said applicant under the provisions of the Act of Congress approved May 31, 1900.

I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,
Your obedient servant,
A. C. Tonner,
Acting Commissioner.

(E.S.S.)
P.

COPY

D. C. No. 10008-1902.

34072

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.3491-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the record in matter of the application for enrollment of Anna Lee as a citizen of the Choctaw Nation by blood. You refused the application because applicant has never been duly enrolled or admitted as a Choctaw citizen. Copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision,

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

END.

1 inclosure.

COPY.

Chas. R. 166.

Muskogee, Indian Territory June 25, 1902.

Anna Lee,

South McAlester, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

COPY.

Ches.R. 188.

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McKerrey & Cornish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Anna Lee, for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED).

I. B. Needles.
Commissioner in Charge.

447 386

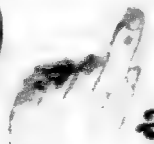
UNRECORDED

Department of the Interior

Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2645

Anna Lee,

~~Southwestern,~~

Indian Territory.



COMMISSIONERS
HENRY E. DAVIS
JAMES DIBBY
THOMAS D. NEEDLES
R. RECKENBIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Choctaw R-166

ALTON L. AVERSWORTH,
OF MISSISSIPPI.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Anna Lee, for the enrollment of her-)
self as a citizen by blood of the)
Choctaw Nation.)

To Anna Lee,

South McAlester,

Indian Territory.

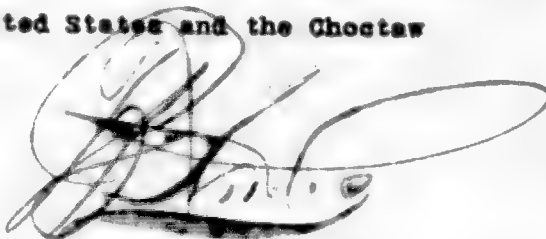
You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the Act of Congress of June 28th, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a

A. L., 2.

descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, between the United States and the Choctaw Nation.

A handwritten signature in dark ink, featuring a large, stylized initial 'L' followed by a series of loops and a long, sweeping horizontal stroke extending to the right.

Commissioner in Charge.

Register.

Reg 791



Anna Lee,
South McAlester,
Indian Territory.

UNCLAIMED.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



7435



9

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

41403

REFER IN REPLY TO THE FOLLOWING

Choctaw R-166

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 9, 1902.

Anna Lee,

South McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 inclosure
Choctaw R-166
Registered

In the matter of the application
Anna Lee for enrollment as a citizen
the Choctaw Nation.

REFUSED, MAY -9 1902

COPY OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS, MAY -9 1902

ORD FORWARDED DEPARTMENT MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR, JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT, JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS, JUN 23 1902

Choc R167 Nancy Leonard

refer to MCR 5244

R167

EMPTY

EMPTY

Choc R169

Mary Lookenbill

2

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Mary Lookenbill for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Mary Lookenbill.

Q How old are you? A Fifty-nine.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Were your father and mother ever on the Choctaw rolls in this country? A No sir, they never came to this country.

Q How long have you been living here? A About twenty-seven years.

Q Where did you come from? A From Texas.

Q Were you born and raised in Texas? A I was born and raised in Georgia, and then came to Texas.

Q And came to the Territory twenty-seven years ago? A Yessir.

Q Never made application to the Dawes Commission in 1896, and never made application to the Choctaw council? A No sir.

Com'r McKennon: Enrollment is refused.

("Apparently white.")

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that I have effected such as
stated in this Commission that this
translation of the correct translation of
my stenographic notes

M. A. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--- --

In the matter of the application of Mary Lookenbill
for the enrollment of herself as a citizen of the Choctaw Nation.

--- D E C I S I O N ---

It appears from the record in this case that the applicant appeared before the Commission at South McAlester, Indian Territory, during its session thereat, beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and no recommendation of the tribal council of the Choctaw Nation is the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted as an applicant in the Choctaw Nation.

by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or be a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear that the applicant, Mary Lookenbill, has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of section twenty-one of the act of Congress of June 28, 1898, (30 Stats., 498), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded, September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto, and made a part of the record in this case. No response has been made to said notice by or on behalf of the applicant.

The act of Congress of June 28, 1898, (30 Stats., 498), provides:

"Said Commission is authorized and directed to make current rolls of the citizen by blood of all the other tribes (excepting Cherokee, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized member thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Mary Lookenbill is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

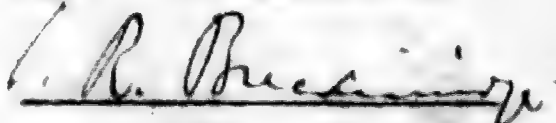
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Washago, Indian Territory,

MAY 12 1902

7-5-189

COPY

Waukegan, Indian Territory, May 19, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Cheateau and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:-

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary Lockenbill as a citizen of the Cheateau Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

COPY.

Residence, Indian Territory, May 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary Lockenhill for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission dated May 12, 1903 refusing the application of Mary Lockenhill for enrollment as a citizen of said nation.

Respectfully,

James L. May

Acting Chairman.

1 enclosure.

Through the Commissioner of
Indian Affairs.

COPY.

Land 30,900-1902.

Department of the Interior,
Office of Indian Affairs.

Washington June 14, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Mary Leckenbill for enrollment as a Choctaw citizen.

The Commission refused to enroll her.

As this applicant was never enrolled or in any way recognized as a Choctaw citizen, it is the opinion of this office that the Commission had no authority to enroll her.

I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tenner,

Acting Commissioner.

(H. S. S.) P.

COPY.

D. C. 10646-1902.

Department of the Interior.

I. T. D. 3771-1902.

Washington June 19, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Mary Leckenbill as a citizen of the Choctaw Nation. You refused her application because she has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

2 inclosures.

Choctaw 2-149.

Muskogee, Indian Territory, July 1, 1902.

Mary Locksbill,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirming the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Cheotaw R-168.

Huskaga, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Cheotaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application of Mary Lockenbill for the enrollment of herself as a citizen of the Cheotaw Nation.

Yours truly,

Commissioner in Charge.

Reg 38.8



Department of the Interior.
Distribution to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Mary Lookenvill,

South McAlester,

Indian Territory.



2228



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS D. NEEDLES,
C. R. BRICKNIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-0A

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-189

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Mary Lookenvill for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.

To Mary Lookenvill,

South McAlester, Indian Territory,

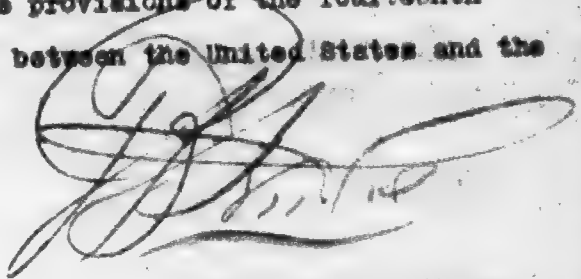
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you are entitled to be identified as a Mississippi Choctaw
under the act of Congress of June 28, 1898, which provides as
follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

M. L., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Reg 848



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED.

Mary Lookenbill,

South Muskogee,

Indian Territory.



7848

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7 R 169

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 19, 1902.

Mary Lookenbill,

South McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 enclosure

Registered.

Acting Chairman.

USED

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
APPLICANT

MAY

MAY

MAY

FORWARDED DEPARTMENT

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 18 1902

OFFICE OF DEPARTMENTAL
ACTION MAILED APPLICANT,

JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Choc R170 Jennie Lowery

R170

Commission to the Five Civilized Tribes.

So in Yokislat, I'm Ter

In the application of Jennie Lowery for enrollment as a Choctaw. Being sworn and examined by Gen'l McKennan she states:

Q What is your name? A Jennie Lowery.

Q How old are you? A Twenty-nine.

Q You are not on the Choctaw roll? A No sir.

Q Never have been? A No sir.

Q Your mother never has been until she was admitted by the United States courts? A No sir.

Gen'l McKennan: Enrollment is refused.

Department of the Interior
Commission to the Five Civilized Tribes
This transcript was prepared by the U.S. Bureau of Indian Affairs, Department of the Interior, and is a true and correct reproduction of my stenographic notes.

W. H. Green

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Lowery
for enrollment as a citizen of the Choctaw Nation.

---: DECISION :---

The record in this case shows that the applicant,
Jennie Lowery, appeared in person before the Commission at South
Hollister, Indian Territory, at its session beginning on September
4, 1899, and ending September 13, 1899, and then and there made per-
sonal application for the enrollment of herself as a citizen of the
Choctaw Nation.

It does not appear from the evidence offered in sup-
port of this application, and an examination of the actual rolls of
the Choctaw Nation at the session of the Commission that the ap-

plicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory on appeal, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

Neither does it appear that Jennie Levery, the applicant herein has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

Section twenty-one of the act of Congress of June 20, 1898, (30 Stats., 495), among other things provides:

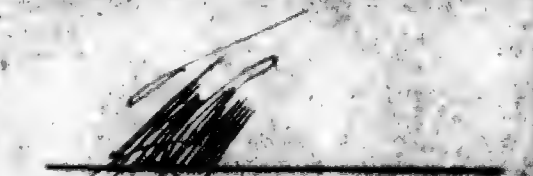
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."


It is, therefore, the opinion of the Commission that Jennie Levery is not lawfully entitled to be enrolled as a member of

(3).

the Cheateau Tribe of Indians in the Indian Territory, and that her application as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


C. R. Anderson

Commissioner.

Muskogee, Indian Territory,

APR 15 1902

Chester R 170

COPY

Muskogee, Indian Territory, April 15, 1908.

Jennie Lowery,

South McAlester, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Cheate Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tama Bixby

Acting Chairman.

Enc T 20

Register.

COPY

Chester R 170

Muskogee, Indian Territory, April 16, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Jennie Lowery as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Acting Chairman.

Enc T 90
Register.

COPY

Waskoge, Indian Territory, April 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jennie Lowery for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 15, 1902, refusing the application for the enrollment of Jennie Lowery as a citizen of said nation.

Respectfully,

John Dixby

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

Copy

Dawes Com. No. 8356

Refer in reply to the following:

Land
23057-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, April 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jennie Lowery for enrollment as a Choctaw citizen.

The Commission reports that the applicant made her application at South McAlistar, between September 4 and 13, 1899; that this is an original application for enrollment made since September 8, 1896; and that therefore the applicant cannot be enrolled.

It is respectfully recommended that the Commission be advised that its decision is affirmed.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

Dawes Com. No. 8356

Copy.

29214

IRS

DEPARTMENT OF THE INTERIOR.

F

I. T. D. 2602 -1902.

WASHINGTON.

May 15, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 24, 1902, the Acting Commissioner of Indian Affairs transmitted the record in matter of application of Jennie Lowery for enrollment as a citizen of the Choctaw Nation, and recommended that your decision dated April 15, 1902, be affirmed.

You found that applicant has never been enrolled or admitted to citizenship in said nation, and that she was never married to an enrolled Choctaw citizen. You refused the application in accordance with the act of June 28, 1898 (30 Stat., 495).

The department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS RYAN

Acting Secretary.

1 inclosure.

FMD

COPY.

October 1 1902

Muskogee, Indian Territory, May 24, 1902.

Fannie Lowery,

South McAlester, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of May 15, 1902, affirmed the decision of the Commission, dated April 16, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee nation.

Yours truly,

(SIGNED)

Tamm Ditty.

Acting Commissioner.

COPY

Chapter H 190

Washago, Indian Territory, May 24, 1902.

Manerfield, McMurray & Cernalish,

Attorneys for the Chester and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 15, 1902, affirmed the decision of the Commission, dated April 15, 1902, refusing the application of Maria Lavery for the enrollment of herself as a citizen of the Chickasaw nation.

Yours truly,

SIGNED

James D. Dwyer.

Acting Chairman.

REFUSED. APR 15 1907

**COPY OF DECISION FORWARDED
APPLICANT APR 15 1907**

**COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. APR 15 1907**

**RECORD FORWARDED DEPARTMENT
APR 15 1907**

APPROVED BY SECRETARY OF INTERIOR. MAY 15 1907

**DEPARTMENTAL ACTION
BY ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAY 24 1907**

**COPY OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAY 24 1907**

EMPTY

Choc R172 Emily Lyons

Commission to the Five Civilized Tribes

Adopted 1885, Feb. 10, 1886

Is the application of Billy Lyons for enrollment as a citizen
being sworn and granted by Com'r McKannon and Secretary?

What is your answer? A Billy Lyons

Q Did the grant go Billy

Q Where do you live? A In Texas

Q You never have lived in the Territory here? A No sir

Q Your name is not on any of the rolls for the Five Civilized Tribes?

A Not as I know anything about it

Q You claim Cherokee? A Yes sir, I suppose so

Q Have your father and mother ever been on the rolls here?

A I don't know about my father, my father was a Cherokee

Q Was your mother ever in the Cherokee Nation here? A Not as

I know anything about it, was taken from her when I was twelve

years old in Mississippi

Com'r McKannon: Enrollment is refused

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emily Lyons for the enrollment of herself as a citizen by blood of the Cheatar Nation,

DECISION.

The record in this case shows that on August 24, 1899, the applicant, Emily Lyons, appeared before the Commission at Cadis, Indian Territory, and then and there made personal application for the enrollment of herself as a citizen by blood of the Cheatar Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheatar Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cheatar Nation, nor does her name appear upon any of the tribal rolls of the Cheatar Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cheatar citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Cheatar Nation by the Commission to the Five Civilized Tribes, nor

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1898, (30 Stats., 321).

It appears from the evidence that the applicant had not, prior to June 28, 1898, removed to and in good faith settled within Indian Territory.

The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes,

(excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221)

provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Emily Lyons is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.


Commissioner.


Commissioner.

Washago, Indian Territory.

MAY 12 1902

Chester B-172.

COPY.

Muskogee, Indian Territory, May 12, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Cheataw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Emily Lyons as a citizen of the Cheataw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours Truly,

(SIGNED)

Tams Dixby

Acting Chairman

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Emily Lyons for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 12, 1902, refusing the application for the enrollment of Emily Lyons as a citizen of said nation.

Respectfully,

Wm. H. Dwyer

Jame Dixby

Acting Chairman.

1 enclosure.
Choctaw N-172.

Through the Commissioner
of Indian Affairs.

C O P Y.

Land
29240-1902

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record in the application of Emily Lyons for enrollment as a Choctaw citizen. The Commission to the Five Civilized Tribes ruled adversely on this application.

From the record it appears that this applicant was never in any way recognized as a Choctaw citizen and under the existing law the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TOMPKINS,

Acting Commissioner.

H.S.S.
L.

C O P Y.

D.C.10111-1902.

DEPARTMENT OF THE INTERIOR/
Washington.

I.T.D.1498-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Emily Lyons as a citizen by blood of the Choctaw Nation. You refused the application for the reason that applicant has never been enrolled or admitted as a Choctaw citizen and never resided in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY:

Chester H 178

Muskogee, Indian Territory, June 27, 1902.

Emily Lyons,

Okada, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,

FORWARDED

T. E. Needles.

Commissioner in Charge.

COPY.

Chester R. 172

Muskogee, Indian Territory, June 27, 1902.

Mansfield, Hobbart & Gernish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Emily Lyons for the enrollment of herself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED

E. S. Needles

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



2082

Pratt, Ariz.

Order, _____

Indian Territory.

FEB 26 1902



COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-172

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of
Emily Lyons for the enrollment of
herself as a citizen by blood of
the Choctaw Nation.

To Emily Lyons,

Caddo, Indian Territory,

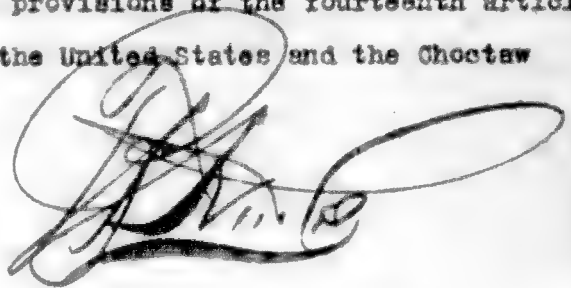
You are hereby notified that you will be
allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under
the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

E. L., 2,

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop at the end and a large 'S' or 'B' shape at the beginning.

Commissioner in Charge.

Register.

Reg 235-
228

*Account of ...
presented ...*



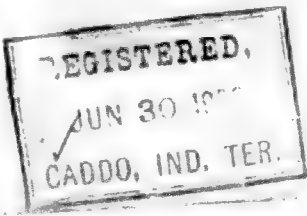
Department of the Interior.

Commenced to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

JUN 30 1902



2007
3464

Emily Lyons,

Caddo, Indian Territory.



MAY 14 1907

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BUCKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

44009

REFER IN REPLY TO THE FOLLOWING

Choctaw R-172.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1902.

Emily Lyons,

Caddo, Indian Territory.

Dear Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 enclosure.
Choctaw R/172.
Registered.

CHOCTAW

In the matter of the application
of Emily Lyons for enrollment as a
citizen by blood of the Choctaw
Nation.

REFUSED. MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT

MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEY R. H. JOHNSON
CHICKASAW NATION

MAY 12 1902

RECORD FORWARDED DEPARTMENT.

MAY 12 1902

ACTION APPROVED BY JUN 12 1902
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL ACTION
ACTION MAILED AT WASHINGTON, JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT WASHINGTON CHOCTAW
AND CHICKASAW NATIONS. JUN 27 1902

Choc R173

George M. Maxwell

R173

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of George M. Maxwell for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A George M. Maxwell.

Q How old are you? A Fifty-two.

Q Are you on any Choctaw rolls? A According to my information I am.

Q When were you enrolled? A I couldn't ~~just~~ tell just when, it was sometime I presume during 1840, '47 or '48.

Q Where were you born? A I judge I was born in Mississippi; I couldn't testify as to where I was born.

Q You never heard nor never knew? A I presume I have heard, but I don't remember; my information is that I was born in Mississippi.

Q Where did you go to from Mississippi? A We came to the Choctaw Nation.

Q Didn't you go to Tennessee? A From the Choctaw Nation father went back to Tennessee.

Q How old were you when you came to the Choctaw Nation? A I presume I was four or five years old.

Q How long did you stay here? A I couldn't testify to that.

Q Did you stay here one or ten or fifty years? A To the best of my information it couldn't have exceeded three years.

Q Where did you go to? A Back to Mississippi, and from there to Tennessee.

Q How long did you stay in Mississippi? A I couldn't answer that question.

Q Did you stay there one or twenty-five years? A Perhaps a year.

Q Then where did you go? A To Tennessee.

George M. Maxwell (2)

Q How long did you stay there? A I staid until just before the War.

Q Where did you go to then? A I came to the Choctaw Nation.

Q How long did you stay here? A I might say during the War; I was in service in the First Choctaw Regiment.

Q And served here then? A No sir, promiscuously over the Choctaw Nation and the states.

Q Then where did you go after the War? A To my mother in Tennessee, and staid there about three years, and then we started for the Choctaw Nation.

Q Where did you land? A I landed in the Choctaw Nation.

Q Did you come direct from Tennessee here? A No sir.

Q Where did you stop? A We stopped in the state of Arkansas.

Q How long did you stay there? A I was there about eight years.

Q Why didn't you state that at first, why did you say you came to the Choctaw Nation? A The question wasn't propounded.

Q You staid eight years in Arkansas and then came to the Choctaw Nation, where did you go to from Arkansas? A I traveled over the Territory as a Minister, and through Missouri, and finally into the Choctaw Nation.

Q When did you land in the Choctaw Nation at that time?

A It has been eight years ago.

Q Where were you all this time after you left Arkansas until you landed here eight years ago; how long did you stay in the State of Missouri? A About eight months.

Q Where did you go to from there? A Into ^{the} Peoria Tribe in the upper part of the Territory, and staid there about three months.

Q Where did you go to next? A I came through the Cherokee Nation.

Q How long did you stay there? A About two weeks.

Q Have you accounted for all the time since the War; you haven't

George H. Maxwell (43)

accounted for one-fourth of the time since the War; you came here about eight years ago, have you been here ever since?

Q I have been in the Chickasaw and Choctaw Nation since I came in the last trip.

Q When was the last trip? A Eight years ago.

Q And you have been here in the Choctaw and Chickasaw Nation eight years? A Yes sir.

Q Did you make application to the Dawes Commission in 1896?

A There was one made by me and I don't know what became of that.

Q Did you not learn that you were rejected? A I did. Refused on account of illegal process to the best of my recollection was what was in the notice of refusal.

Com'r McKennon:

You were refused by the Dawes Commission, and that judgment is final against you; your enrollment is refused. Witness: I mean the Board made application for me.

Q Did you not sign and swear to that application before a Notary Public? A No sir, I don't remember that I did.

Dep. Sec. of the Interior,
Comm. on Indian Affairs
I hereby certify that this
stenographic transcription
is a true and correct translation of
my stenographic notes

[Signature]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

)---:---(

In the matter of the application of George H. Maxwell for the enrollment of himself as a citizen of the Choctaw Nation.

---: DECISION :---

It appears from the record in this case that the applicant, George H. Maxwell, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor

does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears that George W. Maxwell, the applicant herein, with others, in the cause entitled "George Marion Maxwell, et al., -vs- Choctaw Nation", (1896 Docket "C" Choctaw number 1322), under the act of June 10, 1896, made his original application on September 9, 1896, for citizenship by blood in the Choctaw Nation, which said application was on the 8th day of December, 1896, by this Commission, denied, and from which decision of this Commission no appeal was taken.

It does not appear that the applicant, George W. Maxwell, has ever been married under the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protesting any right the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of Congress of June 25, 1896, (30 Stats., 495), which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section twenty-one thereof, reads as follows:

" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes. "

The act of Congress of May 31, 1900 (31 Stats., 221), in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof and duly and lawfully enrolled as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior. "

It is, therefore, the opinion of the Commission that George M. Maxwell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. H. Chandler,
Chairman.


J. H. Chandler,
Chairman.


J. H. Chandler,
Chairman.

Washita, Indian Territory,

MAY 19 1902

7-R-173.

COPY

Wushogee, Indian Territory, May 12, 1902.

Messrs Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of George T. Maxwell as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of George M. Maxwell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of George M. Maxwell as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Choctaw R-173.

Muskogee, Indian Territory, July 1, 1902.

George M. Maxwell,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 18, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Nicolls.

Commissioner in Charge.

COPY.

Chectaw B-175.

Wichita, Indian Territory, July 1, 1902.

Hanfield, McMurray & Cornish,
Attorneys for Chectaw & Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by George M. Maxwell for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

SIGNED

E. B. Prentiss

Commissioner in Charge.

COPY.

Land.
30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of George M. Maxwell for enrollment as a Choctaw citizen. The Commission refused to enroll him.

From the record it appears that this applicant has never been recognized as a Choctaw; that he made application to the Commission for enrollment in 1896, was refused, and no appeal was taken to the U.S. Court.

Under the existing law the Commission had no authority to enroll this applicant and I therefore respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,
Your obedient servant,
A. C. TONNER,
Acting Commissioner.

R. S. S.
L.

COPY.

D.C.10524-1902.

F.

Department of the Interior.

I.T.D.3702-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of George M. Maxwell as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted to Choctaw citizenship, and December 8, 1896, the Commission denied his application under the act of June 10, 1896 (29 Stat., 321), and no appeal was taken to the United States court. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

Reg 370



Department of the Interior.
Bureau of the Five Civilized Tribes.
Muskogee, Ind. Ter.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

UNCLAIMED.

George M. Maxwell,
South Muskogee,



2231

Indian Territory.



COMMISSIONERS
HENRY L. DAWES,
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4-108
REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-173

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
George M. Maxwell for the enrollment
of himself as a citizen by blood of
the Choctaw Nation. }

To George M. Maxwell,

South McAlester, Indian Territory,

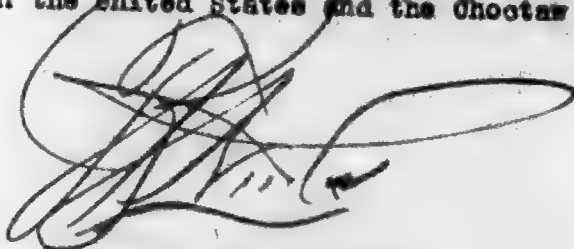
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this
Commission an affidavit, corroborated by two witnesses, showing
that you are entitled to be identified as a Mississippi Choctaw
under the act of Congress of June 28, 1898, which provides as
follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seven, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the

G. M. M., 2.

corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, featuring a prominent loop and a long horizontal stroke extending to the right.

Commissioner in Charge.

Register.

Reg 8451



Department of the Interior.

Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

For private use, \$300.

7809

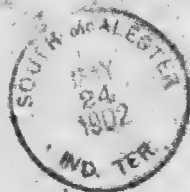
3703

UNCLAIMED.

George M. Maxwell

~~South McAlester~~

J. F.



W. H. O. B.

COMMISSIONERS

HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7- R-173.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

George M. Maxwell,
South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.
Registered.

Choc R174 L2240 Marshall

R174

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the enrollment of Lizzie Marshall as a Choctaw; being sworn, and examined by Com'r McKennon she states:

Q What is your name? A Lizzie Marshall.

Q How old are you? A Thirty-four.

Q You have never been on the Choctaw rolls yourself? A No sir.

Q Were your father and mother ever on the Choctaw rolls?

A Not that I knew of.

Q Where did you come from? A I came from Georgia when I was a child, and was reared in the Territory.

Q Never have been admitted? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.

COMMISSION ON THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lissie Marshall
for the enrollment of herself as a citizen of the Choctaw Nation.

D E C I S I O N .

The record in this case will show that the applicant, Lissie Marshall, appeared before the Commission at South McAlester, Indian Territory, during its session thereat beginning September 4, 1899, and ending September 15, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear anywhere of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear

that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission, that this applicant, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1906, (34 Stat., 321); neither does it appear that Linnie Marshall has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1906, (34 Stat., 496) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1908, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1906, (34 Stat., 496) in a portion of section 21, thereof, provides as follows:

-3-



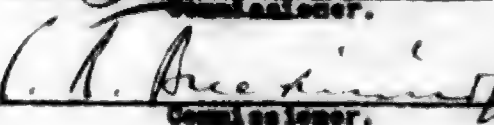
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried with persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats. 221) in a portion of the second paragraph thereof, reads as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a citizen of any tribe in Indian Territory, who has not been a recognized member thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Lizzie Marshall is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

C. A. Anderson
Commissioner.

Muskogee, Indian Territory,

MAY 12 1902

Chester R 174

COPY.

Enakogee, Indian Territory, May 12, 1902.

Lizzie Marshall,

South McAlester, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chester Nation.

The decision, with a copy of the proceedings in the same, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) *Jane Bixby.*

Acting Chairman.

1 Inclosure
Chester R 174
Registered

Choctaw R 174.

COPY.

Waskowee, Indian Territory, May 12, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lizzie Marshall as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED). *Tams Bixby.*

Acting Chairman.

1 inclosure
Choctaw R 174

COPY.

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Lissie Marshall for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Lissie Marshall as a citizen of said nation.

Respectfully,

(SIGNED) *Tams Bixby*

Acting Chairman.

1 inclosure
Choctaw R 174

Through the Commissioner
of Indian Affairs.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land
29240-1902. }

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the application of Lizzie Marshall, for enrollment as a citizen of the Choctaw Nation.

The Commission to the Five Civilized Tribes ruled adversely on this application.

It appears that this applicant has never been enrolled or recognized as a citizen of the Choctaw nation, or admitted to citizenship in said nation.

It is the opinion of this office that the Commission had no authority to enroll this applicant and I therefore respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

(M.S.S.) P.

DEPARTMENT OF THE INTERIOR,
Washington.

D.C.10110-1902.

June 12, 1902.

I.T.D.3503-1902.

Commission to the Five Civilized Tribes,
Muskeges, I. T.

Gentlemen:

May 12, 1902, you transmitted record in the matter of the application for enrollment of Lizzie Marshall as a citizen of the Chectaw Nation. You refused the application because the applicant has never been enrolled or admitted as a citizen of the said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

COPY.

Chester R 174

Muskogee, Indian Territory, June 27, 1902.

Lizzie Marshall,

South McAlester, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

T. D. Woodcock.

Commissioner in Charge.

COPY.

Chester E 174

Muskogee, Indian Territory, June 27, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission, dated May 12, 1902, refusing the application made by Lizzie Marshall for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. E. [Signature]

Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1902.

Mrs. Lizzie Marshall,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you desire to be informed if the Lizzie Marshall enrollment case has been decided.

Replying to your communication you are informed that it appears from our records that at South McAlester, Indian Territory, September 8, 1899, Lizzie Marshall, thirty-four years of age, made personal application to this Commission for enrollment as a citizen by blood of the Choctaw Nation.

On May 12, 1902, the Commission rendered a decision refusing the application of Lizzie Marshall for enrollment as a citizen of the Choctaw Nation, which decision was affirmed by the Secretary of the Interior June 12, 1902.

On February 17, 1902, May 12, 1902, and June 27, 1902, the Commission addressed to you communications at South McAlester, Indian Territory, all of which were returned to this office as "unclaimed." The same are now forwarded you herewith for your information.

Yours truly,

Choctaw R 174
N C R 8808

Muskogee, Indian Territory, September 8, 1902.

Lizzie Marshall,

Kiowa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 29, 1902, in which you state that you are of the opinion that the Commission is in error relative to your enrollment and that the wrong papers have been considered in your case.

It appears from our records that at South McAlester, Indian Territory, in September, 1899, Lizzie Marshall, 34 years of age, made personal application to the Commission to be enrolled as a citizen by blood of the Choctaw Nation. At that time she gave her age as 34 years, that she was born in the state of Georgia, emigrated from there when a child and has since then always resided and maintained her residence in the Indian Territory.

On May 12, 1902, the Commission rendered a decision in the matter of the application of the above named Lizzie Marshall to be enrolled as a citizen of the Choctaw Nation, refusing such application for the reason that her name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor had she been admitted to citizenship in the Choctaw

L M S

Nation by the Choctaw tribal authorities, the Commission, the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896. This decision was affirmed by the Secretary of the Interior on June 12, 1902.

It further appears from an examination of our records that at Muskogee, Indian Territory, on June 30, 1900, Lizzie Marshall, whose age was given as 34 years, of Carbon, Indian Territory, made personal application to the Commission for the enrollment of herself and her three minor children, Ellen, Mela and Neta Marshall as citizens by blood of the Choctaw Nation. There is nothing in the testimony of June 30, 1900 to indicate that Lizzie Marshall who on that date made application is the identical Lizzie Marshall whose enrollment was refused and approved by the Secretary of the Interior May 12, 1902, although she states in her testimony that she was before the Commission at Atoka, Indian Territory during the year 1898.

After the application of June 30, 1900, and on May 6, 1902, Lizzie Marshall again appeared before the Commission, at Muskogee, Indian Territory and withdrew the application theretofore made by her for the enrollment of herself and her three children as citizens by blood of the Choctaw Nation and submitted an

L E 3

application for the identification of herself and her three minor children as Mississippi Choctaws, claiming such right by reason of being the descendants of one, Nellie Bryce nee Cravat.

No decision has been rendered by the Commission at this time relative to the rights of Lizzie Marshall and her three minor children to be identified as Mississippi Choctaws but it is probable that such decision will be rendered in the near future.

You will be duly advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Yours truly,

Acting Chairman.

N. 172

CHOCTAW

In the matter of the application
of Lissie Marshall for enrollment as
a citizen of the Choctaw Nation.

REFUSED MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.
MAY 12 1902

RECORD FORWARDED DEPARTMENT.
MAY 12 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 12 1902

NOTICE OF FINAL DECISION
ACTION NATION. JUN 27 1902

NOTICE OF FINAL DECISION
FORWARDED AT WASH. D. C.
JUN 27 1902

EMPTY

Choc R 176

Adeline Mattson

Denied

Commission to the Five Civilized Tribes.

Indian Territory.

In the application of Adeline Matheson for enrollment as a
Choctaw; being sworn and examined by Com'r McKenna she stated:

- Q What is your name? A Adeline Matheson.
Q How old are you? A Forty-four.
Q You claim Choctaw citizenship? A Yes sir.
Q Your mother was a slave? A Yes sir.
Q A colored woman? A Yes sir.
Q Who did she belong to? A Old Jim King.
Q Was he a Choctaw? A No sir, he was a white man.
Q Where did he live? A He lived in Texas when I can remember.
Q Where were you born, in Texas? A Yes sir.
Q When did you come to the Territory? A Three years ago.
Q Where from? A Texas.
Q You have never been on the rolls? A No sir.
Q Your father and mother were never on the rolls? A I don't
know sir, I don't reckon they was.

Com'r McKenna: We have no authority to enroll you.

- Q What month did you come to the Territory? A I had had my
claim proved up and it was sent to the Dawes Commission.

- Q What was your name then? A Adeline Matheson.

- Q You were rejected by the Dawes Commission? A Yes sir.

Department of the Interior,
Bureau of Indian Affairs,
Washington, D. C.

Received of the
Bureau of Indian Affairs,
Washington, D. C.
the sum of \$100.00
for the purchase of
land for the
Bureau of Indian Affairs,
Washington, D. C.

[Signature]

COPY,

7-R-176.

Muskogee, Indian Territory, January 15, 1903.

In the matter of the application of
Adeline Mathenen for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.

To Adeline Mathenen,

Grant, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the State of Missis-

issippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

Register.

F. B. Needles,

Commissioner in Charge.

Hugo, I. T. Feb. 14, 1903.

To the Commission of the five tribes,

Muskogee, I. T.

Gentlemen:

I have endeavored and hope that I have complied with your instructions with this exception that your Honorable Commission is of the opinion that I Adaline Matheenia come under the Mississippi Choctaw applicants. My mother, Tempa or Elizabeth Washington and father, Alfred Pitcher come to the present Choctaw Nation with the first Choctaws that came. When my mother's parents died, or her mother died, my Grand father George Washington, gave my mother to a white family in Red river County, Tex.. cannot remember their names that is how I happened to be born in Texas and raised there. Am now residing in Kiamichi county, near Grant, I. T. Have ten children, four boys whose names are as follows: Isham Matheenia, age 26 years; Richard Matheenia, age 12 years old; Alfred Matheenia, age ten years old; William Matheenia, age 3 years old; Harriett Dentist, age 24 years old; Mattie Stewart, age 22 years old; Roxie Dinwittie, age 20 years old; Adie Berry, 18 years old; Viola Matheenia 15 years old; Mary Ida Matheenia, age 8 years old. My entire family is domiciled in Kiamichi County, Choctaw Nation. My mother, Elizabeth Washington or Pitcher was a full blood Choctaw, as was my father, Alfred Pitcher. I don't remember my mother so well as I do my father. Mother died I was very young. My Father, Alfred Pitcher, did not die until I was grown, married and had four children. My father died in Red river county, Texas near Clarksville, my mother died there also.

This is about all that I remember about my Parents. Be so kind as to advise if it be necessary for me to do anything more and what steps shall my Grandchildren take to establish themselves as Choctaw Citizens.

her
Adaline X Matheson
mark

P. O. address,
Grant, I.T.

Subscribed and sworn to before me a Notary Public, in and for Central Dist. I. T. this the 14th day of Feb. 1903.

(SEAL)

W. O. SURBAUGH,
Notary Public.

F I L E D
FEB 19, 1903.
TAMS BIXBY,
Acting Chairman.

Hugo, I. T. Feb. 24, 1903.

On this day comes John Cooper, whose age is Seventy four years (74) and resident of Kiamichi, County, Choctaw Nation. I know Adline Matheenia and know her to be a Choctaw by blood, and know her mother. She did live in Red river county, Texas and died there. I don't know how long she has been dead but about forty five years (45) and her name was Elisabeth Washington. She was a full blood Choctaw Indian. She lived in Towson county, Choctaw Nation before she went to Texas. Adaline had no brothers and sisters, I don't know the name of the people she lived with after her mother died. Adline Matheenia lives near Grant, I. T. Kiamichia county, Choctaw Nation. She has ten children, I can't call their names.

John his
 X Cooper

Subscribed and sworn to before me a Notary Public in and for Central Dist. I. T. this the 24th day of Feb. 1903.

(SEAL)

W. O. Surbaugh,
Notary Public.

Endorsed:

FILED FEB 19, 1903.
TAMS BIXBY,
Acting Chairman.

Hugo, I. T. Feb. 14, 1903.

Personally appeared before me Joe Stanley (colored), resident of Kiamichi County, and an adopted citizen of the Choctaw Nation who says he is now seventy four years old (74) and was born in the State of Mississippi, came to the Choctaw Nation with the Choctaws when they moved from Mississippi. I was personally acquainted with Tampa or Elizabeth Washington She was a full blood Choctaw Indian and was the mother of Adaline Matheenie. The mother of Adaline moved to Texas and lived in Red river County until she died/ I don't know how long she has been dead. Adaline Matheenie was left an orphan. I don't know the names of the folks that raised her. I know she is a Choctaw by blood, and think a full blood. I know her father, his name was Alfred Pitcher and a full blood Choctaw and I think he is dead. That is all I know about it. All of her kin that I know of is dead.

his
Joe X Standley.
mark

Subscribed and sworn to before me a Notary Public in and for Central Dist. I. T. this the 14th day of Feb. 1903.

W. O. Surbaugh,
Notary Public.

(SEAL)

Endorsed. F I L E D FEB 19, 1903.

TAMS BIXBY,
Acting Chairman.

(COPY)

Sent to me through a mistake.

I, Adaline Matheny, am about thirty eight years old am a daughter of Alf Robbin dec. whose father was Billy Pitcher a full blood Choctaw.

I certify that this is correct and true and I am entitled to full privileges in the Choctaw Nation.

her
Adaline X Matheny
mark

Sworn and subscribed before me this August the 31, 1896.

J. Joplin,

(SEAL)

Notary Public.

7-B-176.

O. L. J.

John

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--000--

In the matter of the application for the enrollment of Adeline (or Adaline) Mathenen (or Matheenia, or Matheny), as a citizen of the Choctaw Nation.

-: D E C I S I O N :-

It appears from the record herein that the applicant, Adeline (or Adaline) Mathenen (or Matheenia, or Matheny), appeared before this Commission at Caddo, Indian Territory, during its session beginning August 21, 1899 and ending August 25, 1899, and made application for her enrollment as a citizen of the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, or from the records in the possession of the Commission, that the applicant herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It further appears from the testimony herein that the applicant claims that she made application to this Commission under the Act of Congress approved June 10, 1896, (29 Stats., 321), for admission to citizenship in the Choctaw Nation, but it does not appear from an examination of the records in the possession of the Commission that any such application was ever made under the provisions of said Act of Congress.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on January 18, 1903, notified by registered mail that she would be allowed thirty days from that date within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case.

In response thereto, on February 10, 1903, there were filed with this Commission certain affidavits wherein it appears that the applicant is the daughter of Tempa (or Elizebeth) Pitcher (nee Washington) and Alfred Pitcher, both of whom are alleged to have been Mississippi Choctaws. In an affidavit sworn to by the applicant in 1897, she states that her father's name was Alf Robbin, whose father was Billy Pitcher, a full-blood Choctaw.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tempa (or Elizebeth) Pitcher (or Robbin), nee Washington, or Alfred Pitcher, (or Alf Robbin) or Billy Pitcher, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the Acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is, therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Adeline (or Adaline) Mathenen (or Matheenia, or Matheny), as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the application for her identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that the application made for the enrollment of Adeline (or Adaline) Mathenen Or Matheenia, or Matheny), as a citizen of the Choctaw Nation should be denied under the provision of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Waukegee, Indian Territory,

JAN 19 1905

Cheotaw R 176

COPY.

Muskogee, Indian Territory, January 19, 1906.

Adeline Matheson,

Grant, Indian Territory,

Dear Madam:

Inclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 19, 1905, denying your application for enrollment as a citizen of the Cheotaw Nation, and also for identification as a Mississippi Cheotaw.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED,

Jane Bixby

CHAIRMAN.

Registered.

Incl. 7-R-176.

Chectaw R 176

COPY.

Muskogee, Indian Territory, January 19, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Chectaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered January 19, 1905, denying the application for the enrollment of Adeline (or Adaline) Matheson (or Matheonia, or Matheny), as a citizen of the Chectaw Nation, and also for identification as a Mississippi Chectaw.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

James Bixby

CHAIRMAN.

Incl. 7-R-176.

COPY.

Muskogee, Indian Territory, January 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the matter of the application of Adeline (or Adaline) Matheson (or Matheonia, or Matheny) as a citizen of the Choctaw Nation, and also for identification as a Mississippi Choctaw, including the decision of the Commission, dated January 19, 1905, denying said application.

Respectfully,

(SIGNED).

James Bixby

CHAIRMAN.

Through the
Commissioner of Indian Affairs.

2 Incl. 7-R-176.

Land.
5868-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, February 13, 1905.

(COPY.)

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 19, 1905, transmitting the record of the application for enrollment as a citizen of the Choctaw Nation by Adeline (or Adalino) Matheman (or Mathaenia, or Matheny).

January 19, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant has never been enrolled or admitted to citizenship by any tribal authority of the Choctaw Nation or by any United States tribunal.

It does not appear from the record or from the records of this office relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek and to persons who heretofore were claimants thereunder, that the applicant's alleged ancestors, Tempa (or Elizabeth) Pitcher (or Robbin) born Washington, or Alfred Pitcher (or Alf Robbin) or Billy Pitcher signified in person or by proxy to any person an intention to comply with the provisions of said article 14 or presented a claim to rights under subsequent legislation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

DO.9031-1905.

ITD.1618-1905.
L.R.S.

G.E. LLE (COPY).
DEPARTMENT OF THE INTERIOR.
WASHINGTON. February 17, 1905.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 19, 1905, you transmitted the record of the application of Adeline (or Adaline) Methenen (or Matheania, or Matheny) as a citizen of the Choctaw Nation, and also for her identification as a Mississippi Choctaw, including your decision dated January 19, 1905, adverse to applicant.

February 13, 1905, the Acting Commissioner of Indian Affairs reporting in the matter, recommended that your decision adverse to applicant be affirmed. A copy of his letter is inclosed.

The Department concurs in the recommendation made and your decision adverse to applicant is hereby affirmed.

Respectfully,

M. W. Miller,

Acting Secretary.

1 inclosure.

Choctaw R 196

COPY.

Muskogee, Indian Territory, March 3, 1906.

Adeline Matheson,

Grant, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of February 17, 1906, affirmed the decision of this Commission dated January 19, 1906, denying your application for enrollment as a citizen of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

Respectfully,

~~W. H. H. H.~~

J. R. Breckinridge.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 3, 1905.

Manafield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of February 17, 1905, affirmed the decision of this Commission dated January 19, 1905, denying the application for the enrollment of Adeline Mathanen as a citizen of the Choctaw Nation, and also for identification as a Mississippi Choctaw.

Respectfully,

SIGNED.

C. R. Breckinridge.

Commissioner in Charge.

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. July 13, 1901.

2928

In the matter of the application of Winoy Riddle for identification as a Mississippi Choctaw.

Winoy Riddle being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Winoy Riddle.
Q Spell it? A W-i-n-o-y R-i-d-d-l-e.
Q What is your age? A Fifty nine.
Q What is your post office address? A Orr, Chickasaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived there? A I have lived in the Indian Territory thirteen years.
Q Where did you live before you came to the Territory? A Tennessee.
Q How long did you live in Tennessee? A I don't exactly remember.
Q Were you born in Tennessee? A I was born in Alabama.
Q How old were you when you left Alabama? A Don't know.
Q Don't you know about how old? A I don't know.
Q Can't you remember when you left Alabama? A Before the War.
Q I mean were you old enough to remember when you left Alabama? Yes.
Q You don't know how big a girl you were, do you? A No, I don't.
Q Were you grown? A I don't know whether I was or not.
Q Was it before you were married? A No, I married in Alabama.
Q Where did you go from Alabama? A I was raised in the Mississippi Choctaw.
Q Where did you go when you left Alabama? A I was raised in Mississippi Choctaw and moved to Alabama.
Q Where were you born; you said you were born in Alabama? A I made a mistake; I was born in Chickasaw Nation.
Q Do you remember where you were born? A No, I don't.
Q Where were you when you first remember? A In Mississippi Choctaw.
Q In Mississippi Choctaw what? Is there a place called Mississippi Choctaw? A Yes, there is.
Q Is it a town? A-- Can't you answer the question? (No answer).
Q Where were you born? A In Alabama.
Q Do you know what part of Alabama? A At Cherokee County.
Q Well how old were you when you left Alabama? A Nineteen.
Q Where did you go when you left Alabama? A I moved and went to Tennessee.
Q How long did you live in Tennessee? A Till about thirteen year ago.
Q Do you know about how many years that was? A No, I never have counted it up.
Q But you came from Tennessee directly to the Indian territory? A Yes.
Q What is your father's name? A Jim.
Q Jim what? A Just Jim.
Q Didn't he have any other name? A No.
Q What was your mother's name? A I don't remember--Nancy.
Q Nancy what? A Nancy Jim.
Q Is your mother living? A No.
Q Is your father living? A No.
Q Through which one of your parents do you derive your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A About (1/3) and perhaps more.
Q Do you get more than a half from your father? A Well, I don't know.
Q Was your father full blood? A No.

Q Was your mother a Choctaw Indian? A No, she was a white woman.
 Q How could you get more than a half from your father, particularly if your father is not a full-blood himself? A Well, he claimed an eighth.
 Q How much does that make you? A I don't know.
 Q You think you are a half though? A No, I don't suppose I am.
 Q Were your father and mother married? A Yes.
 Q Have you any evidence of that? A No.
 Q Is there anybody living who would know about your father and mother being married and who could testify about it? A No.
 Q How do you know? A Well, they raised me and said they was married.
 Q Did they have any records? A No I never seen any.
 Q Did they have any family bible? A Yes, I reckon.
 Q Wasn't there a record of the marriage in the bible? A No, I can't remember.
 Q You say your father didn't have any other name but Jim? A No other.
 Q It is very important that you secure evidence as to whether your father and mother were married in support of your application as Mississippi Choctaw. A You see I was small, then when they died.
 Q Well, I am telling you that it is important to your case that you get evidence that they were married and send it in to the Commission.
 Q Do you know of anybody who knew them and could testify that they were married? A Yes.
 Q Could you get their affidavits? A Not today.
 Q Could you get them and send them in? A Yes.

The Commission will accept the affidavits of two disinterested parties who were present at the wedding of your father and mother or know that they lived together as man and wife and know that they were so regarded in the neighborhood in which they lived.

Q Are you married? A Yes.
 Q What is your husband's name? A Wesley W. Riddle.
 Q Is he living? A No, he is dead.
 Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Haven't but one.
 Q Is that one married? A Yes.
 Q She will have to make application for herself? A Yes.
 Q You are making application for yourself alone? A Yes.
 Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No.
 Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
 Q Has your father through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? A I have always been told that he was enrolled in -
 Q In Mississippi as a Choctaw? A Yes.
 Q You have always understood that he was enrolled in Mississippi? A Yes.
 Q At what time, do you know? A In the treaty of 1830.
 Q He was enrolled as a Choctaw Indian at the time of the making of the treaty of 1830? A Yes.
 Q Do you know on which one of the rolls his name appeared? A Col. Varden.

Varden's Register will be examined to see if the name of applicant's father appears therein, and notation attached to this application.

Varden's Register examined and the name of Jim, or Nancy Jim, applicant's parents, not found therein.

Q Who told you that? A I learned it.

Q Well, who told you? Did you ever see his name on Ward's Register?

A Well, I always understood that it was; I have heard it taught among the connections.

Q Has anybody told you since your parents died? A I have got four full brothers enrolled here in the Choctaw Nation.

Q How did these brothers get enrolled in the Choctaw Nation?

A Why, they proved up their right.

Q When? A About three years ago I think.

Q Were they admitted by the Court? A Yes.

Q What are their names? A Roseman Riddle, Dumas Riddle, Lemuel Riddle and Toomer Riddle.

Q Did they apply to the Dawes Commission in 1896 under Act of Congress of June 10, 1896? A Yes, I think so.

Q Were your brothers admitted by the Dawes Commission? A That's what they said.

Q Or were they rejected by the Dawes Commission? A I can't tell you I can't tell you, for I never heard them say.

Q Did they take the matter to the United States Court in Indian Territory? A I can't tell you, for I never asked them.

A full statement of the action of the Commission in application of 1896 and of the Court records is attached hereto and made a part of the record in this case.

Q Why didn't you apply at the same time your brothers did? A I could not; I was sick.

Q Well, you didn't have to go in person. A I didn't know that.

Q Well, your brothers didn't go in person did they? A Yes.

Q Where did they go? A At Caddo.

Q When did they go there? A When the Commission was there at Caddo.

Q Well, that was not the first application they made was it? A Well, I don't know I wasn't with them, I lived up in the Chickasaw Nation.

Q Well, I am talking about five years ago when this Commission was hearing applications for citizenship in the Choctaw Nation; did your brothers apply then? A Yes.

Q Why didn't you apply then? A Well, I was sent here; I was in Chickasaw Nation.

Q Well, that would not have made an application to the Dawes Commission in 1896-. A But I didn't know when they applied; they just give them so long to fix that.

Q Did you say your mother, Nancy Jim, was a Choctaw Indian? A No, a white woman.

Q Did you or anybody else for you in 1896, make application for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? A No.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.

Q Is this the first application of any description you have ever made? A Yes.

Q Do you now wish to make application for identification as a Mississippi Choctaw? A Yes.

Q How do you claim now the right to be identified as a Mississippi Choctaw? A Under the article fourteen.

Q The what? Article fourteen of what? A Of 1830/

Q Article fourteen of the treaty of 1830? A Yes.

Q Do you understand that article of that treaty? A No, I don't.

In 1830 the United States wanted to make a treaty with the Choctaw Indians in order to move them from the State of Mississippi to lands West of the Mississippi River and give them land over here in exchange for their land in Mississippi, so that the State of Mississippi could be thrown open to white settlement; but the Indians over there wouldn't sign any treaty until some provision was made for those who wanted to stay there in the State of Mississippi; so article fourteen was made a part of the treaty for the benefit of those Indians who didn't want to come West; and after that article was put in the Indians signed it and it was ratified by the United States. Article fourteen of the treaty of 1830 provides that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaw Indians who didn't want to come West could stay in the State of Mississippi and become citizens of the United States and receive land for themselves and their children there and not lose the privilege of Choctaw citizenship provided that they went to the Indian Agent there in Mississippi within six months after this treaty was ratified and told him that they didn't want to come West, that they wanted to stay in Mississippi and become citizens of the United States. The article provided that if they lived on their land for five years the government would give them a title to it, and also provided that if they ever removed they were not to receive any part of the Choctaw yearly payments of money.

Q Do you understand that article now? A Yes.

Q Is that the provision under which you claim now? A Yes.

Q Have you ever received any benefits as a Choctaw Indian? A No, not anything at all.

Q Do you know what is meant by the word benefits? A Yes.

Q You say you are living in the Chickasaw Nation now? A Yes.

Q Are you renting land now? A No, I am living with a daughter; they have a little place up there.

Q Do they rent it? A No.

Q How do they hold it? A When we came to the Indian territory they told us to go ahead and settle a place.

Q Who told you? A The people.

Q What people? A The Indians.

Q Any officials of the tribe told you that? A No; we have been living in here thirteen years and never have been bothered yet.

Q Anybody ever collect any permit money from you? A No.

Q Well, you have received the benefits of living on this land, didn't you? A We was living with my daughter; I aint holding any at all.

Q Have any of your ancestors ever received any benefits as Choctaw Indians? A Well, my grandfather did.

Q What did he receive? A I don't know; he received it before I knowed anything; I never did see my grandfather.

Q How have you heard that he received anything? A I was told in growin' up.

Q Who told you? A My mother used to tell us after father died.

Q Did you ever hear your father say anything about it? A I have.

Q What did he say? A I don't remember anything except-- It has been so long; he said if he lived he was coming on to the Choctaw Nation and bring his children on.

Q Well, what did he say about his having received any benefits?

A He never said.

Q Do you know what benefits your grandfather did receive as a Choctaw Indian? A No.

Q But you have always been taught that he received some? A Yes.

Q Where? A In Mississippi.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in 1830 and who were recognized members of the Choctaw tribe of Indians? A I don't know.

Q What was your father's name? A Jim.

Q What was his father's name? A Jack.

Q What was your father's mother's name? A I don't know what it is for I never did hear him say any only mother; I don't know nothing about my connection.

Q Do you know whether your father, Jim, or your grandfather, Jack, lived in Mississippi when this treaty was made? A Yes.

Q Did they? A That's what they said.

Q And were they recognized members of the Choctaw tribe of Indians?

A I don't know.

Q Is there anybody living who could testify about that who knew your grandfather and father and know whether they were Choctaw Indians and lived in Mississippi in 1830? A I don't know anybody that I can get.

Q You understand, do you that it is very material to your case to have evidence of these things? A Yes, I know it.

Q Was your father's father or his mother was Choctaw Indian? A Its my father.

Q Well, was your father's father or father's mother Choctaw Indian?

A Its my father's father.

Q Did your father, Jim, or your grandfather, Jack, remove from the territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation over here when the other Indians came, between 1833 to 1838? A I don't know whether he did or not.

Q Is there anybody living who knows either your father or grandfather and could tell about that? A I don't know; people die so.

Q If they didn't remove, do you know if either one of them went to the Indian agent there in Mississippi within six months after the ratification of this treaty and tell him that they wanted to remain and become citizens of the United States? A No, I don't know.

Q Do you know if there is anybody living who would be able to tell about that? A No.

Q Did any of your ancestors ever claim or receive land in Mississippi as under the provisions of the fourteenth article of the treaty of 1830? A My grandfather did; that's what I have been told.

Q You have been told that he received land in Mississippi? A Yes.

Q Do you know where that land was? A No.

Q Do you know if he ever got a patent to it? A No.

Q How far had any records in your family, copies of deeds or anything to show where that land was or if he got a patent? A No.

Q Is there anybody living who did know him and would know about his getting this land? A I don't know.

Q Did any other of your ancestors ever get land from the Government under this treaty? A Not that I know of.

Q Did any get any scrip from the Government under this treaty? A Not as I know of.

Q Is there anything else that you would like to say at this time about your application? A I don't know as there is.

Q Did you know your father personally? A Yes.

Q How long has he been dead? A He died the first year of the war.

Q About '61? A Yes.

Q How old was he when he died? A I don't know.

A I have been away from the record till I forget.

Q Do you know about how old? A I guess he was fifty (50). I don't know; I wouldn't say for certain.

Q You think he was probably about fifty? A Yes.

Q Did you know your grandfather? A No, never seed him.

Q Could you get the evidence of anybody who knew your father and grandfather and would know that you are their child? A My brother is all I know.

Q I mean any one who would be a disinterested party? A I don't know who I would get.

Q Did your brother know your grandfather? A No.

Q Why didn't you get your brothers to come and testify before the Commission instead of offering their affidavits? A Well, I didn't know that I ought to bring them before the Commission.

Should you desire to offer any further evidence in support of your application, either the oral testimony of any witnesses, their depositions or affidavits, you will be permitted to do so, and the Commission will accept the same and make it a part of the record in your case.

Q You understand, do you, that the oral testimony of witnesses is better than any deposition or affidavits you could get from them? A Yes.

Q Have you any documentary evidence of witnesses- any papers? A

A That's all.

Written application of Wincy Riddle offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in your case; Affidavit of Lemuel A. Riddle marked Exhibit "B", filed and made a part of the record in this case;

Q What relation is Lemuel A. Riddle to you? A He is my brother.

affidavit of Toomer Riddle offered in evidence by applicant, marked Exhibit "C" filed and made a part of the record in your case;

Q What relation is Toomer Riddle to you? A He is my brother.

Affidavit of Dumas Riddle offered in evidence by applicant marked Exhibit "D", filed and made a part of the record in your case;

Q Who is Dumas? A He is my brother.

Affidavit of Samuel B. Riddle offered in evidence by applicant, marked Exhibit "E" filed and made a part of the record in this case.

Q Who is he? A He is my brother.

Q These people who make these affidavits are all your brothers? A Yes.

Certificate of W.T. Russell, Notary Public, to the extract from Vol. VII. American State Papers, p.96, table No.5, in which it is shown that "Nancy" appears as having four acres of cultivated land, under the cultivation clause.

Q Who was this Nancy whose name is mentioned in this paper? A I don't know.

Certificate of W.T. Russell, to the extract from Vol. VII. American State Papers, p.117, table No.3, in which the name of Jim appears as having eight acres of cultivated land, & offered in evidence by applicant.

cent, marked Exhibit "G", filed and made a part of the record in this case.

Q Who is this Jim? A I don't know.

Certificate of W.T. Russell to an extract from Table No. 3, p. 96 Vol. VII. Amer. State Papers in which the name of Jack appears- offered in evidence by applicant, marked Exhibit "H", filed and made a part of the record in this case.

Q Who is this Jack? A My grandfather's name was Jack.

Q Well, was this Jack your grandfather? A Yes.

Q Have you any evidence of that? A Yes, my brother's has got the evidence.

Q What kind of evidence have they? A I don't know; I didn't hear the evidence.

The applicant in this case has coarse grayish hair slightly curly which appears to have been black; she has a large prominent nose and slightly prominent cheek bones; her features and general appearance are those of a white woman.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows nothing of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She does not know her ancestors except her father and mother.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission he reported in full all proceedings had in the above entitled cause on July 13, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 17 day of August, 1901.

R. H. Linebaugh

Notary Public.

Muskogee, Indian Territory, April 10, 1902.

Adeline Mathenia,

Grant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 9th instant, requesting that you be informed if you and your children, Isom, Harriet, Mat, Roxy, Ada, Nany, Mosy, Lency, Alfred and William Mathenia, are enrolled as citizens of the Choctaw Nation.

Replying to your inquiry you are informed that it does not appear from the records of this office that any persons of the names given in your letter have ever been listed for enrollment by the Commission as citizens of the Choctaw Nation.

It does appear however, that at Caddo, Indian Territory, in August, 1899, Adeline Mathenen appeared before the Commission and made application for the enrollment of herself as a citizen of the Choctaw Nation. The age of this woman as given at that time was 44 years.

The Commission has not up to this time rendered a decision in the matter of the application of Adeline Mathenen for enrollment as a citizen of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

Choctaw R. 178

Muskogee, Indian Territory, February 20, 1903.

Adeline Matheson,

Grant, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Adeline Matheson, John Cooper and Joe Standley, in the matter of your application for enrollment as a citizen of the Choctaw Nation, and the same have been filed with the record in your case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 9, 1903.

Adeline Mathenen,

Grant, Indian Territory.

Dear Madam:-

It appears from the records of the Commission that at Caddo, Indian Territory, you made application for the enrollment of yourself as a citizen by blood of the Choctaw Nation. It does not appear from the records in the possession of the Commission that you have ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe of Indians in Indian Territory, nor does it appear that you have ever been admitted to citizenship in the Choctaw Nation by the duly constituted authorities of said nation, nor does it appear that you have ever been admitted to citizenship in the Choctaw Nation by a duly constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory in accordance with the provisions of the act of Congress approved June 10, 1896, (29 Stats. 321).

On January 15, 1903, you were notified that you would be allowed thirty days from that date in which to submit to this Commission the affidavit corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw.

Adeline Mathenen-----2

In response to this notice there were received the affidavits of Adeline Matheenia, John Cooper and Joe Standley. It does not appear that any personal application has been made by you to the Commission for the identification of yourself as a Mississippi Choctaw. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved June 28, 1898 (30 Stats. 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants

Adeline Matheson-----3

reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for the applicants to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

Adeline Matheson-----4

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for identification as a descendant of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830, under the provisions of law above quoted, it will be necessary for you to appear in person before the Commission for examination as to said rights. You will be allowed until March 25, 1903, in which to make such application, at the end of which time, if no such appearance is made, the Commission will then proceed to determine your right to enrollment as a citizen of the Choctaw Nation on the record as now made.

Respectfully,

Chairman

Registered.

Choctaw #176
Choctaw Freedman
607.

Muskogee, Indian Territory, March 24, 1903.

W. O. Surbaugh,

Hugo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 18, relative to the application of Adeline Mathenen for enrollment in the Choctaw Nation, and stating that she believes the Commission thinks her to be a Mississippi Choctaw, but that this is not the case. You also state that she is sick at this time and will not be able to appear before the Commission prior to March 25, 1903.

In reply to your letter you are advised that it appears from our records that Adeline Mathenen is an applicant to this Commission for enrollment in the Choctaw Nation, and her application has not yet been passed upon. If she does not desire to appear before the Commission prior to March 25, 1903, and make application for identification as a Mississippi Choctaw the matter of her application for enrollment as a citizen of the Choctaw Nation will be decided upon the record already made in her case.

Replying to that part of your letter in which you state that Clint Boatwright refuses to make the affidavit relative to the names of his children, which was requested in our letter to you of recent date. You are now requested to have the mother, Frances

W O E E

Boatwright, execute the affidavit and the proof of birth of George
W. Boatwright, referred to in our letter to you of February 9, 1903.

Respectfully,

Chairman.

7-R-176

Muskogee, Indian Territory, October 9, 1903.

Adeline Mathenia,

Grant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 30, 1903, requesting to be advised if there is any use of your appearing again before the Commission at Muskogee, Indian Territory.

In reply to your letter you are advised that your application for enrollment as a citizen by blood of the Choctaw Nation has not, up to this time, been passed upon by the Commission; when a decision is rendered you will be furnished with a copy thereof. Should it be necessary for you to produce further testimony in support of your application you will be duly notified to that effect.

Respectfully,

Chairman.

Choctaw R 176

Muskogee, Indian Territory, January 21, 1904.

Adeline Mathenia,

Grant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 12, 1904, asking the status of your enrollment.

In reply to your letter you are informed that the Commission has not yet passed upon the application of Adeline Mathenen for enrollment as a citizen of the Choctaw Nation.

As soon as a decision is reached in this case, you will be notified of the action taken therein.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 1, 1904.

Adeline McPhery,

Grant, Indian Territory.

Dear Madam:-

Receipt is hereby acknowledged of your letter of September 12, 1904 forwarded to this Commission from the Choctaw Land Office, Atoka, Indian Territory. From the information contained therein it is believed that you are an applicant for enrollment as a citizen by blood of the Choctaw Nation under the name of Adeline Mathenen.

You are advised, however, that the Commission has not up to this time rendered any decision as to your right to enrollment as such.

Respectfully,

Chairman.

Choctaw R 176

Muskogee, Indian Territory, October 8, 1905.

Charles H. Hudson,

Wilburton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 3, asking the status of the Choctaw case of Adeline Mathenia, and requesting a copy of the proceedings had in the case.

In reply to your letter you are advised that on January 19, 1905, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Adeline Mathenen for enrollment as a citizen of the Choctaw Nation and on February 17, 1905, the Secretary of the Interior affirmed this decision. This case is therefore considered closed.

You are further advised that there is not a copy of the record in this case which can be withdrawn from the files.

Respectfully,

Commissioner.

7-R-176

Muskogee, Indian Territory, March 9, 1907.

Adeline Mathemene,

Box 47,

Grant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 2, 1907, in which you state that you wish to be enrolled and can secure all the witnesses that is necessary.

In reply to your letter you are advised that on January 19, 1905, the Commissioner to the Five Civilized Tribes rendered a decision denying the application for the enrollment of Adeline Mathemen as a citizen by blood of the Choctaw Nation and on the same date the record in this case was forwarded to the Secretary of the Interior. February 17, 1905, this action was approved by the Department and this case is therefore considered closed.

Respectfully,

Commissioner.

RECEIVED JAN 19 1905

REFUSED JAN 19 1905

COPY OF DECISION FORWARDED
APPLICANT JAN 19 1905

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS JAN 19 1905

RECORD FORWARDED DEPARTMENT
JAN 19 1905

ACTION APPROVED BY
SECRETARY OF INTERIOR.
FEB 17 1905

Department written January 31, 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAR 3 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAR 3 1905

Choc R177 Belle Mead

R177

commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the enrollment of Belle Macon as a Choctaw; being sworn and examined by com'r McKennon she states:

Q What is your name? A Belle Macon.

Q How long have you been living in the Choctaw Nation?

A I have been visiting; my home is in the Territory.

Q When did you first come to the Territory? A In 1875.

Q How long did you stay here then? A That's my home now.

Q When you came here in 1875 how long did you stay here? A I have been here about three years.

Q You came here where from, when you came here? A From Texas.

Q Three years ago? A No, not three years ago.

Q When then? A I came to the Territory when I was about six years old.

Q Did you stay here then? A No sir; I never went back there only on a visit; I went back there to visit, but not to live.

Q How long did you visit in Texas? A Just backwards and forwards,- I haven't made that my home at all; went over there visiting and staid a month or so.

Q You said you had been here about three years, why did you say that? A I have not been living here.

Q How long have you been living in the Choctaw and Chickasaw country? A Since 1875.

Q All the while? A Yes sir.

Q Haven't lived anywhere else? A No sir.

Q Did your father come here at that time, and your family?

A Yes sir; my father is dead.

Q Was he dead when you came here? A No sir.

Q Did he live here until his death? A Yes sir.

Belle Macon- #2)

Q And your mother lived here all the time? A Yes sir, all the time until she died about nine years ago.

Q And you have been living here ever since? A Yes sir.

Q Where have you been making your home? With my brother, at Wynnewood, Indian Territory.

Q And you haven't lived anywhere else during that time?

A Not to have a settled home.

Q Have you a settled home anywhere? A Yes sir, with my brother.

Q When did you marry? A August 7th 1898.

Q That was after you were admitted to citizenship was it?

A Yes sir.

Examined by Choctaw Att'y Shackelford:

Q Where did you marry? A In Oklahoma. I was visiting in Oklahoma.

Q What did you mean when you said awhile ago that you came here three years ago? A I misunderstood him, is how come me to say that.

Examined by Com'r McKennon:

Q How long did you visit in Oklahoma at the time you married?

A About a year.

Q When did you return from Oklahoma? A Just the other day.

Q You never came back from Oklahoma until the other day?

A No sir.

Q And you have been there ever since 1898? A Yes sir.

Q When did you go there? A In 1897 I believe.

Q What time in the year? A In August 1897.

Q And returned the other day? A Yes sir.

Q You married while you were up there during last year did you?

A Yes sir.

Q Did your husband ever live in the Territory at all? A I

Belle Macon #3)

don't know that he did.

Q Where did he live, in Oklahoma? A He was living there at the time that we married.

Examined by Shackelford:

Q Where were you living at the time you were admitted by the court? A In the Territory.

Q What part of the Territory? A Down at Ardmore- about Ardmore.

Q Wasn't you living in Oklahoma when you made your application for admission? A No sir.

Q Wasn't you living in Oklahoma when that judgment was rendered? A No sir.

Q Where were you living? A I was down about Big Blue, in the Territory.

Q Who were you living with at that time? A My brother.

Examined by Chas Com'r Lewis:

Q In the Choctaw Nation or the Chickasaw? A Chickasaw.

Examined by Com'r McKennon:

Q Do you know what day you went to Oklahoma two years ago?

A No sir, I don't know just what day.

Q Was it early in the month or the last of the month? A It was early.

Q What day did you leave Oklahoma to come here? A Yesterday.

Q You came from Oklahoma direct here? A Yes sir.

Q When did you come? A Yesterday.

Examined by Shackelford:

Q You have been keeping house in Oklahoma since you married? Have a house there now haven't you? A Yes sir, but it ain't settled.

Q You have your household goods there in that house? A Yessir.

Questioned by Com'r McKennon: And you left that home of yours there in Oklahoma yesterday? A Yes sir, that is where I am

Belle Mason (4)

staying.

Q You have got your household goods there, and have been living there ever since you married haven't you? A Yes sir.

Gen'l McKennon: Your home is now in Oklahoma; you haven't moved away from there; you are living in Oklahoma now, and your statements that this is your home, are not altogether correct, because you were married there and are keeping house there, and you left your home there yesterday to come here; you are not a resident nor a citizen of the Territory; you went away in 1897, and you didn't come back before the law required you, and you cannot be enrolled; we have no authority to enroll you.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Department of the Interior

Commissioner to the Five Civilized Tribes.
I hereby certify, under my official seal, as
 stenographer to the above named Commission, that the
 transcript is a true, full and correct translation of
 my stenographic notes.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

October 27, 1897.

In the application of Belle Mason for enrollment as a Cherokee, being sworn and examined by Gen'l McKenna she states:

Q What is your name? A Belle Mason.

Q How old are you? A Twenty-five.

Q You made application to the commission at South McAlester for enrollment on September 7th 1897, and the commission refused to enroll you; your statements under oath then show that you were at that time residing in Oklahoma, and had been since early in August 1897; what is your father's name? A Jim Miller.

Q He is not living? A No sir.

Q What is your mother's name? A Mary.

Q She living? A No sir.

Q What relation is Henry E. Miller to you? A My uncle by blood.

Q You present here a judgment of the United States court, civil, at South McAlester, August 20th 1897, in which the name of Belle Miller appears, was that your name at that time? A Yes sir.

Q Have you any brothers and sisters embraced in this judgment?

A I have a brother, John H. Miller.

Q Then you were embraced in that judgment as Belle Miller?

A Yes sir.

Q You have since married, what's your husband's name?

A Joseph E. Mason.

Q Where are you now living? A In the Territory.

Q Where? A Midland, in the Chickasaw Nation.

Q When did you move from Oklahoma there? A I staid there ten days after I moved there, I lived there ten days.

Q You mean you moved there ten days ago? A Yes sir.

Continuation of the Five Civil Tribes

I hereby certify, upon my official oath as
photograph, & take before me, and Commission that the
transcript is true, full and correct representation of
my signature & name.

MOE

Q How long have you been here? A I just came to-day.

Q What degree of Indian blood do you claim? A I don't know how much I have.

Q Do you know how much your mother had? - A It was on my father's side; my mother was a white woman.

Q Where were you born? A In Texas.

Q Where is your husband? A He is at his mother's, sick, in Oklahoma.

ALBANY

Q Did he come down there with you when you went from Oklahoma?

Q And stuck with you until you came up here? A He stayed
all his father's in Oklahoma; he came through by his mother's
name and here.

100-443887-100

Department of the Interior,

Commission on the Five Civilized Tribes.

I hereby certify, upon my official oath as
Stenographer to above named Commission that this
transcript is a true, full and correct translation of
my stenographic notes.

W. H. H. H.

Wells [unclear] #31

there and go to keeping house? A Yes sir.

Q Brought your furniture and everything and was keeping house
in the Chickasaw Nation, Indian Territory? A Yes sir.

Q Com'r McKinnon: Did you leave any of your household goods
in Oklahoma? A Well there are some few things there we haven't
got moved yet.

Q What did you move over with you? A We moved out bedding
and things, and clothing and trunks.

Q Com'r Needles: Did you rent a house over in the Territory?
A Yes sir.

Q Went to housekeeping? A Yes sir.

Q On a farm or in town? A On a farm.

Q Do you know whether you have any ghosts blood at all or not?

A No sir, I don't.

Q Com'r McKinnon: When you left Texas first when you were about
five years old where did you go to? A To Minnysville, in the
Chickasaw Nation.

Q How long did you stay there before you went out of the Terri-
tory? A I cannot remember.

Q How old were you when you first went out of the Territory?

A I was about twenty-two.

Q Where did you go to? A I went to Texas.

Q How long did you stay there? A I don't know just how long
now.

Q About how many years? A Close on to one year.

Q You then come back to the Territory did you? A Yes sir.

Q Did you come to the Territory or go to Oklahoma from Texas?

A I come to the Territory, and then went to Oklahoma.

Q How long did you stay in the Territory when you came from
Texas that time? A I came right through the Territory and went
on to Oklahoma.

Belle Mason #4)

Q How long ago was that been? A Two years.

Q And you have been in Oklahoma ever since? A Yes sir.

Q You just merely passed through the Territory from Texas to Oklahoma? A Yes sir.

Gen'l McKennan: Your enrollment will still be refused.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

I hereby certify, upon my official oath as
Commissioner to the Five Civilized Tribes, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. McKennan

DEPARTMENT OF THE INTERIOR.
COMMISSION to the FIVE CIVILIZED TRIBES.

In the matter of the application of Belle Macon for the enrollment of herself as a citizen by blood of the Choctaw Nation.

DECISION.

The record in this case shows that the applicant, Belle Macon, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4th and ending on September 13th, 1899, and then and there made personal application for the enrollment of herself as a citizen by blood of the Choctaw Nation, and again on Oct. 27th, 1899, appeared before the Commission at Muskogee, Indian Territory, and then and there offered additional testimony in support of her said application.

It appears from the records of the Commission that Belle Macon was included in the original petition of Henry E. Miller et al., for citizenship in the Choctaw Nation, which was filed with the Commission under the Act of Congress of June 16th, 1898, (30 Stat., 321) and the same being on the Commission docket as No. 1252, and styled Henry E. Miller et al., v. Choctaw Nation.

The right of this applicant to citizenship in the Choctaw Nation was denied by the Commission to the Five Civilized Tribes, and an appeal perfected to the United States Court in the Indian Territory, for the Central District, at South McAlester, and the said United States Court, by its judgment, duly entered of record on the twenty-fifth day of August, 1907, reversed the decision of the Commission as to this applicant, and admitted the said Belle Macon under

-3-

the name of Belle Miller to citizenship in the Choctaw Nation.

It appears from the evidence offered in support of this application that at the time of the filing of the original petition and the rendition of the judgment of the United States Court, that applicant's name was Belle Miller; that since that time she has been lawfully married to Joseph E. Mason, a white person.

It further appears that this applicant, since August 7th, 1898, the date of her marriage to said Joseph E. Mason, has been living in the Territory of Oklahoma and was living there at the time of making this application, and had not then removed to and in good faith settled within the Indian Territory.

The Act of Congress of June 28, 1898, provides: (30 Stat 495)


"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. Provided, however, that nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws or the treaties with the United States."

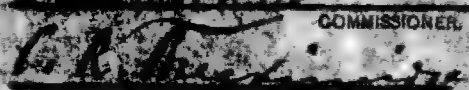
It does not appear from the evidence offered in support of the application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation; neither does it appear that Belle Mason, the applicant, has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen by blood of that Nation.

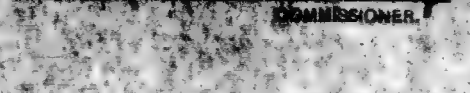
It is, therefore, the opinion of this Commission that Belle Mason is not lawfully entitled to be enrolled as a member of

The Cheate tribe of Indians in Indian Territory, and her application therefor should be refused. And it is so ordered.

THE COMMISSION to the FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN


COMMISSIONER


COMMISSIONER

Dated at Muskogee, Indian Territory,

this APR -9 1907.

Chectaw R 177

Copy.

Mahegee, Indian Territory, April 9, 1902.

Belle Mason,

Norman, Oklahoma Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Jams Dixey.

ENCLOSURE

Acting Chairman.

1 inclosure.Y-9

Register.

COPY.

Muskogee, Indian Territory, April 9, 1902.

Messrs Mansfield, McKurray & Cornish,

Attorneys for the Cheotaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Belle Moon as a citizen of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Jams Bixby.

Acting Chairman.

Enc. Y-10

Register.

COPY

Muskogee, Indian Territory, April 9, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Belle Macon for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 9, 1902, refusing the application for the enrollment of Belle Macon as a citizen of said nation.

Respectfully,

(SIGNED)

James Bixby.

Acting Chairman .

1 enclosure.

Through the Commissioner
of Indian Affairs.

C O P Y

J. P.

DEPARTMENT OF THE INTERIOR. EAF.
Washington.
ITD.3129-1902. October 7, 1902.
L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 9, 1902, you submitted the record in Choctaw enrollment case of Belle Macon - R 177.

It appears that the applicant was admitted to citizenship in the Choctaw Nation by the United States court acting under the act of June 10, 1896 (29 Stat., 321). You rejected the application mainly because the party was not a resident of the Indian Territory June 28, 1898.

The Acting Commissioner of Indian Affairs reporting in the matter May 13, 1902, held that in view of the action of the court you were without authority to reject the application. A copy of his letter is inclosed.

As sections 31, 32 and 33 of the Choctaw and Chickasaw agreement (act of July 1, 1902 Public 228), provides for a Choctaw and Chickasaw citizenship court which has jurisdiction in this case, the papers are returned to you to be held by you in order that the matter may be readjudicated at the proper time.

Respectfully,

Thos Ryan

2 inclosures.

Acting Secretary.

END

C O P Y

Refer in reply to the following:

Land
22707-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, May 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 9, 1902, by Tams Bixby, Esq., Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Belle Macon as a citizen of the Choctaw Nation.

The record in this case shows that in 1896 this applicant, under the name of Belle Miller, her maiden name, applied to the Commission for enrollment as a citizen of said Nation; that her case was considered in connection with the case of Henry E. Miller et al.; that the Commission denied her application for enrollment as a citizen of the Choctaw Nation; that an appeal was taken; that on August 25, 1897, the court reversed the decision of the Commission as to this applicant and admitted her to citizenship in the Choctaw Nation under the name of Belle Miller.

It further appears that the applicant removed to Oklahoma in 1897; that on August 7, 1898 she was married to one Joseph E. Macon, a white man; and that she continued to

reside in Oklahoma until about ten days prior to October 27, 1899.

From the record it appears that Belle Miller, who was admitted to citizenship by the United States court under the provisions of the Act of June 10, 1896, and this applicant, Belle Macon, are identical.

The Commission in its decision of April 9, 1902, holds that it does not appear "from the evidence offered in support of the application and an examination of the Choctaw rolls in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation; that it is not shown that she has been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of the Nation; that "she has never been recognized as a citizen by blood of that nation", and concludes that under the provisions of the Curtis Act, as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship"

it has no authority to enroll the applicant as a citizen of the Choctaw Nation.

The Assistant Attorney-General for the Interior Department, in his opinion of March 17, 1899, which was ap-

proved by the Department the same date, held as follows:

"The rolls so made by the commission are to be final 'when approved by the Secretary of the Interior.' This approval being required to give the quality of finality to the rolls, it follows necessarily that the Secretary of the Interior is clothed with some legal discretion and authority in granting or withholding his approval, and that he has a power of supervision and review over the action of the commission in preparing the rolls. This power of supervision and review extends to everything done by the commission in the way of placing names upon or withholding names from the rolls which depends for its final sanction and effect upon the approval of the rolls by the Secretary of the Interior, but it does not include or authorize a re-examination of a decision of the commission from which an appeal to the court was provided for, and which therefore became final in the absence of such an appeal, nor does it include or authorize a re-examination of a decision of the court upon such an appeal. It does, however, enable the Secretary to see that any individual entitled to enrollment under any such final decision is placed upon the roll, and that any name placed thereon in disregard of any such final decision is stricken therefrom."

When the United States court for the central district of the Indian Territory rendered judgment declaring that this applicant was entitled to citizenship in the Choctaw Nation, it was to all intents and purposes and in legal effect, the enrollment of her as a citizen of that nation. This judgment was rendered prior to the approval of the Curtis Act, and the office does not understand that the passage of that Act by Congress took from citizens of the Choctaw or any other nation, the right then conferred upon them by a tribunal of competent jurisdiction.

The court had declared the applicant to be a citizen of the Choctaw Nation and to be entitled to enrollment as such, and the office does not believe that the provision of the Curtis Act hereinbefore quoted can effect cases of this character.

The office is unadvised, and the record does not show, why this applicant again appeared before the Commission for enrollment when there was a judgment of the United States court declaring her to be a citizen of the Nation and directing that she be enrolled as such.

It seems to the office that it is the duty of the Commission to place the names of all persons whom the court have decided are citizens of any nation in the Indian Territory upon the rolls of such nation, and that it has no power or authority to question such citizen as to his or her place of residence on June 28, 1898. Neither does it believe that the Commission has any authority to require any person whom the court has decided is a citizen of any of said nations, to appear before it for examination. It is its duty, in the opinion of this office, to place the name of all those who have been declared by the courts to be citizens, upon the tribal rolls of the proper nation.

It is therefore respectfully recommended that the

- 5 -

decision of the Commission denying enrollment be not approved, and that the Commission be instructed to enroll the applicant as a citizen of the Choctaw Nation.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

COPY.

Choctaw R 177

Muskogee, Indian Territory, October 31, 1902.

Belle Mason,

Remus, Oklahoma,

Dear Madam:

You are hereby advised that on October 7, 1902, the Secretary of the Interior returned the record in the matter of your application for enrollment as a citizen of the Choctaw Nation, together with the decision of the Commission refusing the application made by you for your enrollment as a citizen of the Choctaw Nation, to be held pending such action as may be taken therein by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

Respectfully,

RECORDED

Samuel D. Hodge

Acting Chairman.

Choctaw R 177

Muskogee, Indian Territory, October 31, 1902.

Hansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on October 7, 1902, the Secretary of the Interior returned the record in the matter of the application of Belle Macon for enrollment as a citizen of the Choctaw Nation, together with the decision of the Commission refusing the application of Belle Macon for enrollment as a citizen of the Choctaw Nation, to be held pending such action as may be taken in said case by the Choctaw and Chickasaw citizenship court provided for by the act of Congress of July 1, 1902, (32 Stats., 641).

The decision in the above entitled cause, a copy of which was forwarded you April 9, 1902, shows that Belle Macon was admitted to citizenship in the Choctaw Nation by the United States Court for the Indian Territory, August 25, 1897, in court case Number 129, but was refused enrollment by the Commission because of noncompliance with the following provision of the act of Congress of June 26, 1898:

N.E. & C. R.

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Respectfully,

SIGNED: *Tamie Kirby*

Acting Chairman.

Washkatee, Indian Territory, August 8, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

On October 7, 1902, (I. T. D. 3129-1902) the Secretary of the Interior returned the record in the matter of the application of Belle Macon for enrollment as a citizen of the Choctaw Nation, for re-adjudication after the Citizenship Court shall have passed upon the case.

Reporting in this matter I now have the honor to advise that on March 9, 1904, the Choctaw and Chickasaw Citizenship Court rendered its decree denying the citizenship of Belle Macon in the Choctaw Nation. The record in this case is, therefore, herewith returned, together with the decision of the Commission of April 9, 1902, refusing said application.

Respectfully,

Choctaw B 177

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the
following:
Land 53822-1904.

WASHINGTON, October 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 5, 1904, transmitting the record of the application for enrollment as a citizen by blood of the Choctaw Nation by Belle Macon.

April 9, 1902, the Commission decided adversely to the applicant.

It appears from the record that the applicant was included in the claim of Harry E. Miller and others for citizenship in the Choctaw Nation which was filed with the Commission and by them rejected, (date not given). Upon appeal to the United States Court in the Indian Territory, for the Central District, the decision of the Commission was reversed and admitted Belle Macon under the name of Belle Miller to citizenship in the Choctaw Nation.

It appears from the evidence in the case at bar that at the time of filing the original petition and of the judgment of the United States Court that the applicant's name was Belle

Miller; that since that time she has been lawfully married to Joseph E. Macon, a white person. It further appears that the applicant, since August 7, 1898, the date of her marriage aforesaid, has been living continuously in the Territory of Oklahoma.

It does not appear from the record, or the records of this office, that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor is her name found on any of the tribal rolls of the Nation, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the Nation; neither does it appear that Belle Macon, the applicant, has ever been married in accordance with the tribal laws and customs to a recognized and enrolled citizen by blood of that Nation.

In view of the record the approval of the Commission's decision adverse to the applicant is recommended.

Very respectfully,

(Signed) A.C. Torner

Acting Commissioner.

M.M.M.
W.

T.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

PM

D.C. 41063.
I.T.D. 10746-1904.
L.R.S.

October 22, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

With letter of October 18, 1904, the Acting Commissioner of Indian Affairs transmitted your report of August 5, 1904, resubmitting the record in the matter of the application of Belle Mason for enrollment as a citizen of the Choctaw Nation.

You report that on March 9, 1904, the Choctaw-Chickasaw Citizenship Court rendered its decree denying the citizenship of Belle Mason in the Choctaw Nation. A copy of the decree referred to was submitted with your letter of June 10, 1904.

The Department being without jurisdiction in the matter the application is denied. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) M. W. Miller,
Acting Secretary.

1 inclosure.

Choctaw N 177

COPY

Muskogee, Indian Territory, October 31, 1904.

Belle Mason,

Remus, Oklahoma Territory,

Dear Madam:

You are hereby notified that on the 22nd day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered April 9, 1902, denying your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Tamo Bincy

Chairman.

Choctaw R 177

COPY.

Muskogee, Indian Territory, October 31, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 22nd day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered April 9, 1902, denying the application for the enrollment of Belle Macon as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED)

Iamie Kirby

Chairman.

COMMISSIONERS
HENRY L. DAWES
JAMES BIXBY
THOMAS B. NEEDLES
C. R. BRICKRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., February 25, 1901.

John H. Miller,

Wynnewood, Ind. Ter.

Dear Sir:-

In the judgment of the United States Court at South McAlester, admitting the members of your family to citizenship in the Choctaw Nation, there appears the name of your niece, Belle Miller. We are unable to locate among our records any application made for the enrollment of this party in 1899, or since that time. Will you, therefore, kindly furnish the Commission full information as to Belle Miller, if alive, her present residence, etc., answering the questions below and returning this letter with your answers in the enclosed envelope.

Yours truly,

Acting Chairman.

1. Is Belle Miller alive? Yes
2. Has application been made for her enrollment? yes
3. If so, by whom and under what name? her self under the name of Belle Macart
4. Who is she living with and where? with her husband in Oklahoma at Remus O.T.

Env.

Choctaw case

Cent. Dist. #121

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 20 1901

ACTING CHAIRMAN

Muskogee, Indian Territory, July 25, 1901.

Mr. Henry E. Miller,

Hart, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, replying to the interrogatories forwarded you February 25, 1901, relative to Belle Miller who was admitted to citizenship in the Chectaw Nation by a judgment of the United States Court for the Central District of the Indian Territory.

You are informed that prior to the receipt of your letter we had already been able to identify the name of this woman upon our records as Belle Mason.

Your letter of July 16, 1901, has been filed with and made a part of the record in the case of Belle Miller for enrollment as a citizen of the Chectaw Nation.

Yours truly,

7-B 177

Commissioner in Charge.

COPY

J. P.

DEPARTMENT OF THE INTERIOR.

NAV.

Washington.

ITD.5129-1902.

October 7, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 9, 1902, you submitted the record in Choctaw enrollment case of Belle Mason - R 177.

It appears that the applicant was admitted to citizenship in the Choctaw Nation by the United States court acting under the act of June 10, 1896 (29 Stat., 321). You rejected the application mainly because the party was not a resident of the Indian Territory June 28, 1898.

The Acting Commissioner of Indian Affairs reporting in the matter May 13, 1902, held that in view of the action of the court you were without authority to reject the application. A copy of his letter is inclosed.

As sections 31, 32 and 33 of the Choctaw and Chickasaw agreement (act of July 1, 1902 Public 226), provides for a Choctaw and Chickasaw citizenship court which has jurisdiction in this case, the papers are returned to you to be held by you in order that the matter may be readjudicated at the proper time.

Respectfully,

Thos Ryan

2 inclosures.

Acting Secretary.

END

C O P Y

Refer in reply to the following:

Land
28707-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, May 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 9, 1902, by Tams Bixby, Esq., Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Belle Mason as a citizen of the Choctaw Nation.

The record in this case shows that in 1896 this applicant, under the name of Belle Miller, her maiden name, applied to the Commission for enrollment as a citizen of said Nation; that her case was considered in connection with the case of Henry M. Miller et al.; that the Commission denied her application for enrollment as a citizen of the Choctaw Nation; that an appeal was taken; that on August 28, 1897, the court reversed the decision of the Commission as to this applicant and admitted her to citizenship in the Choctaw Nation under the name of Belle Miller.

It further appears that the applicant removed to Oklahoma in 1897; that on August 7, 1898 she was married to one Joseph K. Mason, a white man, and that she continued to

reside in Oklahoma until about ten days prior to October 27, 1899.

From the record it appears that Belle Miller, who was admitted to citizenship by the United States court under the provisions of the Act of June 10, 1896, and this applicant, Belle Macen, are identical.

The Commission in its decision of April 9, 1902, holds that it does not appear "from the evidence offered in support of the application and an examination of the Choctaw rolls in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation; that it is not shown that she has been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of the Nation; that "she has never been recognized as a citizen by blood of that nation", and concludes that under the provisions of the Curtis Act, as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship"

it has no authority to enroll the applicant as a citizen of the Choctaw Nation.

The Assistant Attorney-General for the Interior Department, in his opinion of March 17, 1899, which was ap-

proved by the Department the same date, held as follows:

"The rolls so made by the commission are to be final 'when approved by the Secretary of the Interior.' This approval being required to give the quality of finality to the rolls, it follows necessarily that the Secretary of the Interior is clothed with some legal discretion and authority in granting or withholding his approval, and that he has a power of supervision and review over the action of the commission in preparing the rolls. This power of supervision and review extends to everything done by the commission in the way of placing names upon or withholding names from the rolls which depends for its final sanction and effect upon the approval of the rolls by the Secretary of the Interior, but it does not include or authorize a re-examination of a decision of the commission from which an appeal to the court was provided for, and which therefore became final in the absence of such an appeal, nor does it include or authorize a re-examination of a decision of the court upon such an appeal. It does, however, enable the Secretary to see that any individual entitled to enrollment under any such final decision is placed upon the roll, and that any name placed thereon in disregard of any such final decision is stricken therefrom."

When the United States court for the central district of the Indian Territory rendered judgment declaring that this applicant was entitled to citizenship in the Choctaw Nation, it was to all intents and purposes and in legal effect, the enrollment of her as a citizen of that nation. This judgment was rendered prior to the approval of the Curtis Act, and the office does not understand that the passage of that Act by Congress took from citizens of the Choctaw or any other nation, the right then conferred upon them by a tribunal of competent jurisdiction.

The court had declared the applicant to be a citizen of the Choctaw Nation and to be entitled to enrollment as such, and the office does not believe that the provision of the Curtis Act hereinbefore quoted can effect cases of this character.

The office is unadvised, and the record does not shew, why this applicant again appeared before the Commission for enrollment when there was a judgment of the United States court declaring her to be a citizen of the Nation and directing that she be enrolled as such.

It seems to the office that it is the duty of the Commission to place the names of all persons whom the court have decided are citizens of any nation in the Indian Territory upon the rolls of such nation, and that it has no power or authority to question such citizen as to his or her place of residence on June 25, 1898. Neither does it believe that the Commission has any authority to require any person whom the court has decided is a citizen of any of said nations, to appear before it for examination. It is its duty, in the opinion of this office, to place the name of all these who have been declared by the courts to be citizens, upon the tribal rolls of the proper nation.

It is therefore respectfully recommended that the

- 3 -

decision of the Commission denying enrollment be not approved, and that the Commission be instructed to enroll the applicant as a citizen of the District of Columbia.

Very respectfully,

Your obedient servant,

A. C. THOMAS,

Acting Commissioner.

GAW
D

3 inclosures.

Muskogee, Indian Territory, March 19, 1902.

Belle Mason,

Remus, Oklahoma Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant in which you desire to be informed if anything has been done in the matter of your application for enrollment.

You are informed that the Commission has not up to this time rendered a written decision in the matter of your application for enrollment as a citizen of the Choctaw Nation but anticipates doing so in the near future, when you will be advised of whatever action may be taken by the Commission.

Yours truly,

Commissioner in Charge.

the matter of the
the enrollment of Bell
citizen of the Choctaw Nation

REFUSED. APR -9 1902

COPY OF DECISION FORWARDED
APPLICANT APR -9

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS. APR -9 1902

RECORD FORWARDED DEPT
APR -9

*Oct 7, 1902. Case returned by
pending action on contract
by the new Citizenship Co.*
ACTION APPROVED BY
SECRETARY OF INTERIOR OCT 22 1902

OCT 31 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. OCT 31 1902

*Aug 5, 1904. Report to department
Record returned on that date*

Choc R178 Henry W. Marcum

record trans to choc card D-568

R178

EMPTY

Choc R180 Cora miles

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Cora Miles for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Cora Miles.

Q How old are you? A Twenty six.

Q You claim as a Choctaw? A Yes sir.

Q Were you ever on the Choctaw rolls? A No sir, I have never been.

Q Are your parents on the Choctaw rolls or have they ever been on the Choctaw Rolls in the Territory here? A I couldn't tell you.

Q You were born and raised in Texas? A Yes sir

Q How long since you came from Texas,--you still live there?

A No sir, I don't know how long,-- it has been four or five months

Q Where did you come from? A About twenty miles from Waco, Texas.

Q You have been here only four or five months? A Yes sir, we have been living here that long.

Com'r McKennon: Enrollment is refused.

... of the Interior,
Comm. Five Civilized Tribes.
I have read the original with us
and certify that this
transcript is a true
and correct translation of
the stenographic notes.

[Signature]

FHE

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Cera Miles
for the enrollment of herself as a citizen of the Choctaw Nation.

))) DECISION :(((

The records in this case will show that the applicant Cera Miles appeared before the Commission at Durant, Indian Territory, during its session thereat, beginning August 14, 1900, and ending August 19, 1900, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

-2-

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that Gera Miles has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

It appears that the applicant was born and reared in the State of Texas and lived there all her life up to within four or five months of the date of this application, when she removed to Indian Territory.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 26, 1898, (30 Stats., 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof, within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made to said notice by the applicant.

The act of Congress of June 26, 1898, (30 Stats. 495) in a portion of section 11 thereof, provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

And also the following:



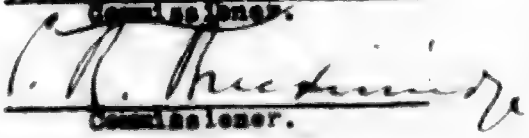
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship.

The act of Congress of May 31, 1900, (31 Stats. 821) in a portion of the second paragraph thereof, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Cora Miles is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

MAY 19 1902

T R 180

COPY.

Muskogee, Indian Territory, May 19, 1902.

Wansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Gora Kiles as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

1 enclosure.

Acting Chairman.

COPY

Muskogee, Indian Territory, May 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Cora Miles for the enrollment of herself as a citizen of the Choctaw nation, including the decision of the Commission dated May 19, 1903, refusing the application for the enrollment of Cora Miles as a citizen of said nation.

Respectfully,

1 enclosure.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

COPY.

Choctaw R-160.

Muskogee, Indian Territory, July 1, 1902.

Cora Miles,

Waco, Texas.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED) *T. E. Needles.*

Commissioner in Charge.

COPY.

Choctaw B-180.

Waskogen, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Cora Miles for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. S. McCallister

Commissioner in Charge.

COPY.

Land, 30960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record of proceedings in the matter of the application of Cera Miles for enrollment as a Chectaw citizen. The Commission refused to enroll her.

The applicant was never enrolled or recognized as a Chectaw and it is the opinion of this office that the Commission was without authority to enroll her.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,
Your obedient servant,

A. C. Tenner,

E. S. S. (E.)

Acting Commissioner.

COPY.

D.C. 10523-1902.

F.

Department of the Interior.

I.T.D. 3764-1902.

Washington June, 19, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Cera Miles as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen, and had not prior to June 28, 1898, removed to and in good faith settled in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

unclaimed
no response to
notice

RETURN TO WRITER
10074

Cora Miles,

Waco,



RETURN TO WRITER



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

RETURN TO WRITER

2nd NOTICE
MAR 6 1902

2240
1057



RECEIVED
FEB 22 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-180.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Cora Miles, for the enrollment of)
herself as a citizen by blood of)
the Choctaw Nation.)

To Cora Miles,

Waco, Texas.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, Concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the Corroborating witnesses, and must set forth the fact that you are a

C. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw nation.



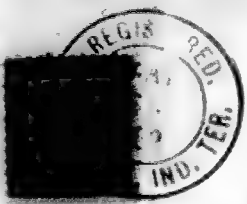
Commissioner in Charge.

Register.

unclaimed



20140



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Cora Miles,
RETURN TO WRITER
Texas.

7855

OFFICE



66

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AVESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7 R 180

ADDRESS ONLY
MUSKOGEE, INDIAN TERRITORY, MAY 19, 1902.

Muskogee, Indian Territory, May 19, 1902.

Cora Miles,

Waco, Texas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

1 enclosure.
Registered.

1

the matter of the application
of Corn Miles as a citizen
of the Choctaw Nation.

MAY 18

MAY 18

MAY 19

MAY 19

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL -1 1902

DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL -1 1902

Choc R181 Osborne Mickle

R181

Osborne Mickel

Judgement written Jan'y 31, 1906
Decision prepared June 24, 1906

DISMISSED

DECISION RENDERED.

APR 28 1906

RECEIVED

APR 28 1906

CO

RECEIVED

APR 28 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as a citizen by blood of the Choctaw Nation of - - -

Osborne Mickle,

7-R-181.

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Osborne Mickle for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Osborne Mickle.

Q How old are you? A Twenty-one.

Q You are not on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Your mother has never been until she was admitted by the United States court recently? A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

MDH

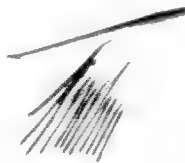
7-R-181.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Osborne Mickle as a citizen by blood of the Choctaw Nation.

The applicant, Osborne Mickle, claims his right to enrollment as a citizen by blood of the Choctaw Nation by virtue of being a son of Joanna Mickle, an alleged Choctaw Indian.

The right of the applicant's mother, Joanna Mickle, to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of November 28, 1904, in Case No. 37 upon the South McAlester docket, it is hereby ordered that the application for the enrollment of Osborne Mickle as a citizen by blood of the Choctaw Nation be, and the same is, hereby dismissed.



Commissioner.

Muskogee, Indian Territory,

APR 28 1906

7-R-181

COPY

Muskogee, Indian Territory, April 28, 1906.

Osborne Mickle,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes dated April 28, 1906, dismissing the application for the enrollment of Osborne Mickle as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *James Bixby*

Registered.

Commissioner.

Incl. 7-R-181

7-R-151

COPY

Muskogee, Indian Territory, April 28, 1906.

S. C. Treadwell,
Attorney at Law,
Tishomingo, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, dismissing the application for the enrollment of Osborne Nickle as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Lamar Dixie*

Registered.

Commissioner.

Incl. 7-R-151

7-R-181

COPY

Muskogee, Indian Territory, April 28, 1906.

W. W. Redwine,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, dismissing the application for the enrollment of Osborne Mickle as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Tammie Dinsby*

Registered.

Commissioner.

Incl. 7-R-181.

7-R-181

COPY

Muskogee, Indian Territory, April 28, 1906.

Stuart, Gordon & Hailey,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, dismissing the application for the enrollment of Osborne Nickle as a citizen by blood of the Choctaw Nation.

Respectfully,

Jams Bixby

SIGNED

Registered.

Commissioner.

Incl. 7-R-181

7-R-181

COPY

Muskogee, Indian Territory, April 28, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, dismissing the application for the enrollment of Osborne Mickla as a citizen by blood of the Choctaw Nation.

Respectfully,

SIGNED *Tamc Dixby*

Incl. 7-R-181

Commissioner.

Before the United States Commission to the Five Civilized Tribes
of Indians,

Osborn Mickle and Jennie Lowery, nee Mickle, *nee Harmon Mickle*
petitioners,
petitioners,

vs.

The Choctaw nation,
Respondent.

Come now your petitioners, Osborn Mickle and Jennie Lowery,
nee Harmon Mickle nee Mickle, and state that they are the lawful children of Harmon Mickle
a citizen of the Choctaw Nation and that they have been born and raised
in the Choctaw nation; that the said Harmon Mickle was in the year 1847
married to Susanna Morris, a full blood Choctaw woman; that she died and
the said Harmon Mickle was in 1852 married to Joanna McPainey, a white
woman, and that your petitioners are the issue among others of this
union. That under the law and the decisions of the United States
Court for the Central District of the Indian territory all the brothers
and sisters of your petitioners, to-wit Nicholas Mickle, Peter Mickle,
William Mickle, and the children of Joanna Margarette Payne, nee Mickle,
(now deceased) were admitted to citizenship and are now on the rolls
of the Choctaw nation; that through the *ad*advertence of A. Frank Ross, who
prepared the original petitions that ~~xxxxxx~~ were placed before your
Honorable Commission, the applications of your petitioners were left
out, and your petitioners never became aware of this fact until just
recently.

In support of the above statement of facts and this application *to be corrected*
~~for citizenship~~ in the Choctaw Nation, your petitioners would respect-
fully refer to the affidavit of A. Frank Ross, and all the evidence in
the original case by which all the balance of the family were admitted
to citizenship in the Choctaw nation, which said affidavit and evidence
is hereto attached and made a part of this petition.

Wherefore, the premises considered, your petitioners pray that

they be enrolled as citizens of the Choctaw nation with all the rights, privileges, immunities and benefits that are now being given, granted and guaranteed to other citizens of the Choctaw Nation ~~and~~.

James Lowery
Chon Miller

Jennie Lowery, one of the petitioners herein, after being duly sworn, deposes and says that the above and foregoing allegations are true in every respect.

Jennie Lowery

Subscribed and sworn to before me this 26th day of August, 1897.

James E. Gresham
Notary Public, Cent. Dist. 17

240

FILED

RECEIVED

In the United States Court for
the Indian Territory, Central District
at South McAlester

Joanna Mickle et al

Plf.

^{vs}
Choctaw Nation, Def. } Notice

To the Choctaw Nation, the
above named defendant.

You are hereby notified that dep-
ositions ~~will~~ be of witnesses to be
read as evidence in the above
entitled cause on the part of
the Plaintiff will be taken at
the office of William G. Beard
Notary Public, Wilberton, Ind. Per
on the 23 day of July 1897, between
the hours of 8 o'clock in the
forenoon, and 6 o'clock in the
afternoon, and that the taking of said
depositions if not completed on that day
will be continued from day to day at the
same place and between the
same hour until completed.

John H. Black,

S. C. Treadwell

Attorneys for Plaintiff

Joanna Wiebe et al

et

Octave Watson

The Deposition of Wm J. Nickle,
taken on the 23 day of July, 1897,
at the office of Wm C. Baird, in the
town of Wilberton Ind. Ter., to be
read as evidence in an action
between Joanna Nickle et al
Plfs. vs The Choctaw Nation, D of
pending in the district court of
the United States, before Hon W. H.
H. Clayton, Judge, at South No. Alister.

The deponent, Wm J. Nickle, being
by me first duly sworn according
to law depose and say on
oath: My name is Wm J. Nickle,
age 60 years old, post office
address Wilberton, I. T. I am a
united states citizen and a
nephew of Harmon Nickle, deceased.
In 1847 I lived with Harmon
Nickle and know that he married
a Choctaw woman ^{by blood in the Choctaw Nation} according to
law, soon after his marriage with
said Choctaw woman by blood, he
improved ~~and~~ a farm in the
Choctaw Nation about 7 miles from
St Smith, He owned and controlled
said farm in the Choctaw Nation
until about the year 1850, when

he sold it and moved with his family to Brushy Creek, Choctaw Nation, and carried on a mercantile business there and afterwards moved near to where Hearts home now is. He continued business for several years at the place named above. And afterwards in about 1886, or 1887, ~~he~~ he purchased a farm about one mile north west of where the town of Wilberton now ~~stands~~; He lived on this farm with his family until he died, about six or seven years ago. Joanna Mickle, one of the applicants in this case, together with her children, lived with Harmon Mickle in the Choctaw Nation, at the places described above. I know that all of Harmon Mickle's children by his ^{second} wife, Joanna, live in the ^{Choctaw} Nation now, except Nicholas Mickle, Peter Mickle and William Mickle, who live at Tishomingo, & Chickasaw Nation. Osborn Mickle, and Jennie Lowery, ne Jennie Mickle, live with their mother in South McAlester.

Florence Mickle lived with her mother at Wilberton, N.H. at the time her application was presented to the Dawes Commission. She has since married and still lives in the Choctaw Nation.

I know that Harmon Mickle was recognized as a Choctaw Indian after his marriage with Joanna McSweeney, his second wife, and I also know that ~~the~~ all of his children by Joanna Mickle have been denied the right of citizenship.

In his business dealings in buying and selling farms in the Choctaw Nation, Harmon Mickle, dealt and was dealt with as though ~~he~~ was a Choctaw by blood.

W. J. Mickle

J. W. G. Barr, a Notary Public, for the Central District Ind. Ter. do certify that the foregoing deposition of Wm J. Mickle, was taken before me, and was read to and subscribed by him in my presence at the time and place and in the action mentioned in the caption. The said Wm J. Mickle

having been first sworn by me that the
evidence he should give in the action
should be the truth, the whole truth,
and nothing but the truth, and his
statements reduced to writing by me
in his presence, the plaintiff alone
being present at the examination
Given under my hand this
the 23rd day of July 1897,
Wm. Baird

Notary Public.

My commission expires April 5 1901

The ~~Deposition~~ deposition of George W. Riddle taken on the 23rd day of July 1892. at the office of Wm S. Baird, in the town of Wilberton Ind. Ter. to be read as evidence in an action between Joanna Nickle^{et al} Plf. and the Choctaw Nation, defendant, pending in the district Court of the United States, at South McAlester, I.T. before Hon W. H. H. Clayton, Judge.

The deponent George W. Riddle being by me first duly sworn deposes and says on oath: my name is George Riddli age 55 years old, post office Address is Wilberton Ind. Ter. I am a Choctaw Indian by blood, have held various offices in the Choctaw Nation, and at present am County Judge of Gaines County. I knew Harmon Nickle in his life time and his second wife Joanna Nickle, one of the applicants, I used to board with Harmon Nickle, and go to school, and knew him and his family quite well. I always understood that Harmon

Mickle married a Choctaw woman by blood according to law in the Choctaw Nation. I know also that he soon afterwards married a white woman. Several years ago Harmon Mickle owned a farm about one and a half miles from the town of Wilberton, I.T., and his wife and family lived with him on that farm. He lived there until he died about 6 or 7 years ago. His widow, Joanna Mickle, lived on that place until she traded it for property here in the town of Wilberton. Mrs. Joanna Mickle, Jennie Lowery, nee Jennie Mickle, and Osborn Mickle and Florence Mickle all lived here until a few months ago, and they all live in the Choctaw Nation now. All of Harmon Mickle's children by his ^{white} wife, Joanna, have been denied the rights of citizenship in the Choctaw Nation.

Geo. W. Kiddle

I, Wm. G. Baird, a notary Public,
for the Central District Ind. Ter, do

certify that the foregoing deposition
of George^W Riddle was taken before
me and was read to and I subscribed
by him in my presence at the time
and place, and in the action
mentioned in the Caption, the
said George Riddle having been
sworn by me, that the evidence he
should give in the ~~matter~~ action
should be the truth, the whole truth, and
nothing but the truth, and his
statements reduced to writing by me
in his presence, the plaintiff alone
being present at the examination

Given under my hand this the
23 day of July 1897.

Wm. B. Baird

Notary Public.

My com. expires April 5, 1901.

• Joanne Nicole Star
to
Chadwick Nation

Notice to take
Depositions

John W. Black &
S. C. Treadwell
attys for A. G.

In the United States court
for the 2nd. Dec. Central District
at South Middlebury.

Joanna Mickle et al
vs
Chactaw Nation of

Plf } Justice
vs The Chactaw Nation, the
above named Def;

You are hereby notified that
depositions of witnesses to be
read in evidence in the above
entitled cause on the part of
the Plaintiff will be taken
at the office of F. F. Lester
Notary Public South Middlebury
Vt. on the 23rd day of July 1899
between the hours of 8 o'clock
in the forenoon, and 4 o'clock
in the afternoon, if not com-
pleted on that day, will be con-
tinued from day to day until
~~completed~~ at the same place and
between the same hours until
completed.

John W. Black and
J. C. Prendergast
Attys for Plf.

London Territory &
Central District &

This is to certify that I have
served a copy of the within notice
on Stuart, Gordon & Shirley, the attor-
neys of record for the defendant
in this cause.

John W. Black.

Subscribed and sworn to
this 22nd day of July 1897.

E. H. Davis
County Clerk

James W. Black & Co.

London Territory

Notice to the
Defendants

John W. Black &
S. B. Thompson
County Clerk

The deposition of Mrs Joanna Mickel
J.P. Greely, A. Frank Rose and J.J. McAllen,
taken before me on the 23rd day of July 1897
between the hours of eight o'clock A.M. & 6 o'clock
P.M. at the office of E.A. Davis & Co., Public, in the
City of Savannah, Ind. To be read as evidence, in an action
pending in the Court between Joanna Mickel, Et. al
Plaintiff vs The Choctaw Nation defendant. Pending before
the Hon W.H.H. Clayton, in the United States
Court Central District, of the Eastern Division, at South
W. McAllen. D.T.

Mrs Joanna Mickel after being
 duly sworn deposes and says,

My name is Mrs Joanna Mickel.
I am sixty one years old, my
present residence is S.W. McAllen
Ind. Terr. I have resided in the
Choctaw Nation since my marriage
to Harmon Mickel in 1852.

I married Harmon Mickel in
1852. who was a Choctaw citizen
by marriage; at the time of our marriage
and ever since Harmon Mickel was
recognized as a Choctaw citizen, he en-
joyed all the rights & enjoyed all the
immunities as a Choctaw citizen.

such as receiving and giving bills
of sale. and sending to the National
Schools of the Choctaw Nation and
permitting people.

and he drew his portion of the annuities.

The claimants, in this action, to-wit:-
Mrs Joanna Mickle, Nicholas
Mickle, and his wife, Kara Mickle
and their two children. Lawrence and
John Mickle, and Peter Mickle
+ William Mickle. Christopher
Columbus Paine, Joanna Magout Paine,
(deceased nee Mickle) in behalf of
themselves and children, Daisy L.
Lanie O. Jessie H. Joanna M.
Willie E., and Gusie L. Paine, and
Aborn Mickle, Jennie Lowery (
nee Mickle) + Florence Hamilton
nee Mickle) and Susan Bepkins
nee Mickle, are all residents of the
Choctaw Nation Ind. Terr. all the
descendants of Mr Harmon Mickle
and Joannick Mickle, were born
and reared within the Choctaw Nation
Ind. Terr.

Harmon Mickle was a resident
of the Choctaw Nation until his death
at Wetumla Choctaw Nation (Gaines
County) Ind. Terr. in 1891.

The claim of Harmon Mickle to
Citizenship in the Choctaw Nation was
never questioned until recently.

Joanna Mickle

J. J. McAlister. after being duly
sworn testified as follows:-
My name is J. J. McAlister,
my postoffice is McAlister
Ind. Terr.

I married on Harmon Michle
in the year 1867. he then resided
at Perryville. Licking County
Cherokee Nation, & was engaged in
conducting a general mercantile
store, he conducted his business without
paying royalty to the Cherokee Nation.
he enjoyed all the privileges and
was recognized as a citizen of the
Cherokee Nation. he gave bills of
sale, and exercised all the privileges
as a citizen of said Nation.

& immediately

1

The claimant Mrs Joann Michle
and Harmon Michle lived together as
man and wife. having were then &
did live together as man and wife, until
the death of Harmon Michle, ^{William}
Cherokee Nation. Ind. Terr.

J. J. McAlister

J. J. McAlister. after being duly
sworn testified as follows:-
My name is J. J. McAlister,
my postoffice is McAlister
Ind. Terr.

I married Mr Harmon Michie
in the year 1867. He then resided
at Perryville, Letcher County
Choctaw Nation, & was engaged in
conducting a general mercantile
store, he conducted his business without
paying royalty to the Choctaw Nation.
He enjoyed all the privileges and
was recognized as a citizen of the
Choctaw Nation. He gave bills of
sale, and exercised all the privileges
as a citizen of said Nation.

& immediately

1

The Claimant Mrs Joann Michie
and Harmon Michie lived together as
man and wife. Having were then &
did live together as man and wife, until
the death of Harmon Michie, William
Choctaw Nation. Ind. Terr.

J. J. McAlister

J.P. Brady after being duly sworn testified as follows:

My name is J.P. Brady. I am at present United States Marshall for Eastern District of Ark. I knew Harmon Michel when he was engaged in running a general mercantile store at Smyville, Tishomingo County, Choctaw Nation, Ind. Terr. - in the year of 1867- or '68. I was then traveling in the Territory as a United States Deputy Marshall.

He was then regarded as a citizen of the Choctaw Nation, it was my duty as a deputy Marshall to know who was regarded as citizens of the Choctaw Nation and those who were not, and by information from the people generally of the Choctaw Nation, I treated Harmon Michel in my official capacity as a citizen of the said Nation.

I have known of the family ever since, Nick Michel, one of the sons of Harmon Michel, and Joann Michel ^{one of the daughters} sold goods in the town of Hartshorne, Ind. Terr. as a citizen of the Choctaw Nation, without being required by the Choctaw officials to pay any royalty to the Nation.

I know ^{clearly} the wife of Harmon Michel ^{was} and that she resided with

Harmon Michel as his
lawful wife.

I know that the elements are the
children, and grand children of Harmon
Michel and his wife Mrs. Harmon
Michel and that they live in the
Choctaw and Chickasaw Nations.

J. P. Hardy

B.

Library

240.

South McElfester, D. C.

A. Frank Roff of said age after
being sworn deposes and
says that in preparation the application
of Mrs. Joannah Mickle et al. with
accompanying evidence and
placed her claim before the
House Commission that then sat
at Kinita, D. C. in the year 1896
and that the names of the children
and grandchildren of the said Mrs.
Joannah Mickle were unintention-
ally left out of said application
but being in and should have
been included with their
mother and grand mother, the said
Mrs. Joannah Mickle as the evidence
in said case show A. Frank Roff
subscribed to and sworn to before me this
2nd day of July 1897. E. J. Davis, Notary Public

South McAllester, D. C.

Central District
~~Central District.~~
Indian Territory.

I, E. T. Loring, a notary Public
in the Central District, Indian Territory, do certify
that the foregoing depositions of Joanna
Michel, J. J. McAllester, A. Frank Ross
and J. P. Brady, were taken before me
and were read to, and subscribed by them
in my presence, at the time & place
and in the action mentioned in the caption.
The said Joanna Michel, J. J. McAllester
A. Frank Ross and J. P. Brady, having
been first sworn by me, that the evidence
they should give in the action, should be the
truth, the whole truth and nothing but the
truth, and their statements were ^{so} verified by me
in their presence, the plaintiff and plaintiff's
attorney alone being present at the examination.
Given under my hand and seal this 24th day
of July, 1897. E. T. Loring
Notary Public.

The deposition of James
Darnell, taken on the 24th day of
July 1897, at the office of
John H. Hinton, in the town of
Pocahontas, I.S., to be read as
evidence in an action between
Joanna Mickle et al^{vs} vs Choctaw
Nation, defendants, pending in
the District Court of the United
States at South McAlester, I.S.,
before Hon W. H. H. Clayton, Judge.

Deposition of James Darnell
who after being duly sworn by me
Sydney W. Hays
Hermon Mickle and Amanda Morris
was lawfully married, Amanda Morris
was a Choctaw Indian by blood
there was no license required for marriage
at that time that I know of. Mr Mickle
was recognized as an Indian citizen.
I was present at their wedding supper
after the death of Amanda Mickle Mr Mickle
married a Miss Joanna M^{rs} Swain and
raised a family by her and lived
with her until he died at Wilberton
Ind Tex 6 or 7 years ago

deceased and says
Harmon Mickle and Susan Harris
was lawfully married, Susan Harris
was a Choctaw Indian by blood
there was no license required for marriage
at that time that I no of Mr Mickle
was recognized as an Indian citizen
I was present at their wedding supper
after the death of Susan Mickle Mr Mickle
married a Miss Joanna M^{rs} Swain and
raised a family by her and lived
with her until he died at Wilkerson
Ind Ter 6 or 7 years ago

Mr Mickle's family live in the
Ind Ter and have all way done
so most of the time

James Darnell

Subscribed and sworn to before me
a Notary Public, on the 24th of July
1897

John H. Hinton
Notary Public
Cam 244-6-98

I, John H. Hinton, a notary
Public for the Central District
Ind. Ter, do certify that the fore-
going deposition of James
Darnell was taken before me,
and was read to and subscr-
ibed by him in my presence
at the time and place, and
in the action mentioned in
the caption, the said James
Darnell having been first
sworn by me, that the evidence
he should give in the
action should be the truth, the
whole truth, and nothing
but the truth, and his
statements reduced to writing
by me in his presence, neither
party in person or by atty,
being present at the examination.

Given under my hand & this
the 24th day of July 1897

John H. Hinton
Notary Public.

Com, ex. 4-6-98

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FILED

JUL 11 1907

By

DEPUTY

In the United States Court for the
Indian Territory, Central District, at
South McAlester.

Joanna Mickle, et al.

vs

Plaintiff

Choctaw Nation

Defendant.

notice

To the Choctaw Nation the above named de-
fendant:

You are hereby notified that depositions
of witnesses to be used as evidence in the
above entitled cause on the part of the plain-
tiff will be taken at the office of John H.
Hinton, Notary Public, P.O. Box 100, Des.
on the 24th day of July 1897 between the
hours of 8 o'clock in the forenoon, and 6
o'clock in the afternoon, and that the taking
of said depositions if not completed on that
day will be continued from day to day at
the same place and between the same
hours until completed.

John H. Black.

J. W. Treadwell

Attorneys for Plaintiff.

Deposition of Jane H. Page. —
Taken on the 24th day of July 1897
at the office of John H. Hinton, at
Pocahontas Ind. Ter. to be read as
evidence in an action between
Joanna Mickle, et al. Plaintiffs —
vs Choctaw Nation Defendants
Pending now in the District
Court of the United States at
Lynchburg, Va. before
Hon. W. H. H. Clayton

240

FILE

At ... O'clock

AUG 3 1897

[Handwritten signature]

BY

Indian Territory }
Central District }

I John H. Hintons Notary Public
for the Central District Ind Ter. do
Certify that the foregoing Deposition of
Jane A Page was taken before me and was
read to and subscribed by her in my presence
at the time and place and in the action -
mentioned in the caption, the said Jane
A. Page have been first duly sworn by
me that the evidence she should give in the
action should be the truth the whole truth
and nothing but the truth, and her state-
ments reduced to writing by me in her
presence, neither the Plaintiff or defend-
ant, or their attorney, being present at
the examination,

Given under my hand this the
24th day of July 1897

Com ex 4-6-98

John H. Hintons
Notary Public

In the United States Court for the Indian Territory
Central District at Smith Bar, Okla. 9.2.

Sam'l H. H. Blanton, Jr., Judge -
Joana Mickle, et al.

Plaintiffs
vs.
Choctaw Nation, Defendant

This is to certify that the foregoing
Deposition of Jane F. Page to be used
as evidence in the above stated case
was taken by me a Notary Public
at my office on the 24th of July, 1897
no representative or attorney of either
Plaintiffs or Defendant being present
who after being sworn to state the
truth the whole truth and nothing but
the truth, Subscribes as follows,

Deposition of Jane F. Page =

I was Present at the marriage of
Harmon Mickle and Ansana Morris
and they were lawfully married by the
Choctaw Law at that time.

Ansana Morris was my cousin and
she was a Choctaw Indian by blood
Mr Mickle was all ways recognized
as a Indian Citizen, after the
death of ~~his~~ his first wife he married
Joana M. H. H. a white woman

Mr Mickle was recognized as a
Indian Citizen after his marriage

Mr Mickle was all ways recognised
as a Indian Citizen, after the
death of ~~Anna~~ his first wife he married
Anna M. Bueeny a white woman

Mr Mickle was Recognized as a
Indian Citizen after his marriage
to Miss M. Bueeny, he owned land
in the Ind. Ter. and he and his family
lived in the Choctaw Nation most of the
time. Mr Mickle was living with
his wife & family at Millerton, I. T.
at the time of his death & or 7 years
ago, Mr Mickle's family still live
in the Indian Ter.

Jane H. Page

Subscribed and sworn to before
me a Notary Public for Central
District of the United States Court Ind.
this the 24th day of July - 1897

John H. Hinton
Notary Public

Com. ex. 4-6-98,

JUL 25 1897

FILED

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Osborn Mickle et al
Chas. Law Nation

FILED

SEP 6 1888

Notary Public for
the State of N. H.

I, W. H. Redwine do solemnly swear
that I was present at the Post office
at South Westchester, Ind. Twp., on this
day and saw a package registered
to Hon. Green M. Carstairs, Governor
of the Choctaw nation, at Sans Bois,
Ind. Twp., said package containing
a copy of the petition for enrollment as
citizens of the Choctaw nation of Osborne
Wickles, James Fair (nee Wickles), Florence
Harris (nee Wickles), and Susan Rip-
pinstone Wickles), and the depositions of
J. P. Wickles and Geo. W. Riddle, James
Wickles, J. P. Greedy, L. Frank Hase, and
J. M. Alister, and June F. Page and James
S. Russell, and that I carefully compared
these copies with the originals and to the Hon-
orable Commission at Ft. Gibson, I. T.,
and find said copies to be true and
correct copies of the original, and regis-
ter receipt No. 185. Here is attached
is a receipt for the copies of petition and
depositions registered to Hon. Green M. Carstairs.

W. H. Redwine

Subscribed and sworn to before me, this the
1st day of Sept. 1877.
In my office Sept. 1877

Chas. H. Hasty, Notary Public

Muskogee, Indian Territory, October 14, 1902.

In the matter of the application of)
Osborne Mickle for enrollment as a)
citizen of the Choctaw Nation.)

Osborne Mickle,

Wilburton, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof within which to submit to this Commission your affidavit, corroborated by two witnesses, setting forth the fact that you claim the right to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

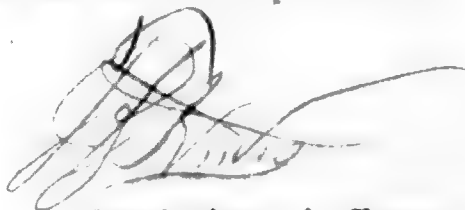
"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and the corroborating witnesses and should set forth the fact that you claim to be a descendant of Choctaw Indians who resided in Mississippi in eighteen hundred and thirty, and that it is your intention to make personal application to this Commission for the identifica-

Osborne Mickle 2

tion of yourself as a Mississippi Choctaw.

The affidavit to be submitted will not be considered by the Commission in support of your rights to be identified as a Mississippi Choctaw, but will be accepted as evidence of the fact that you claim the right to such identification, and that it is your intention to make such personal application in the near future.

A handwritten signature in dark ink, appearing to be "J. B. Davis", with a long, sweeping horizontal line extending to the right.

Commissioner in Charge.

Register.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

374
302



6620



4-R-181

22657
3090

Commissioner

JUN 30 1906



Osborne Kickle,

Returned to writer
to Mr. Kickle
W. L. SURTON, Indian Territory.

June 7 1906

9/0 dm no fl



REFER IN REPLY TO THE FOLLOWING

7-R-181

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1906.

Osborne Mickle,
Wilburton, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated April 28, 1906, dismissing the application for the enrollment of Osborne Mickle as a citizen by blood of the Choctaw Nation.

Respectfully,



Registered.

Commissioner.

Incl. 7-R-181

Choc R182 Edward mitche//

R182

Commission to the Five Civilized Tribes,

South Webster, Indian Ter.

In the application of Edward Mitchell for enrollment as a
chief; being sworn and examined by Com'r McManis he states:

Q What is your name? A Edward Mitchell.

Q How old are you? A Twenty-two.

Q You were born and raised in Arkansas? A I was raised part-
ly in the Territory.

Q How long have you been here? A I came here in 1896.

Q You have no judgment have you? you made application to the
James commission did you not, in 1896? A Yes sir.

Q And were denied? A Yes sir.

Q Then you were denied by the United States Court at South
Webster? A Yes sir.

Q On appeal from the decision of the commission? A Yes sir.

Q You came here from Arkansas in 1896? A Yes sir.

Q You were born and raised there, and lived there all the while
up to 1896 did you? A Yes sir.

Com'r McManis: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes,
South Webster, Indian Ter.
I hereby certify that the official copy of
this transcript is a true and correct copy of the
original in my possession.

[Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Edward Mitchell
for the enrollment of himself as a citizen of the Choctaw Nation.

D E C I S I O N.

It appears from the record in this case that the applicant, Edward Mitchell, appeared before the Commission at South McAlester, Indian Territory, during its session thereat, beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation, or by a decree of the United States Court in Indian Territory, on appeal therefrom, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 581).

It appears from the evidence submitted that the applicant, Edward Mitchell, claims that application for citizenship in the Choctaw Nation under the provisions of the act of Congress of June 10, 1896, was made to this Commission, and that such application was denied, and, on appeal to the United States Court in Indian Territory, Central District, at South McAlester, such decision of this Commission was confirmed, but it does not appear from an examination of the records of this Commission that any such application by or on behalf of said Edward Mitchell for citizenship in the Choctaw Nation, was so made under such act of Congress of June 10, 1896; neither does it appear that Edward Mitchell, the applicant herein, has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said Nation.

For the purpose of protecting any right the applicant might have as a Mississippi Choctaw under the provisions of section 21 of the act of Congress of June 28, 1898 (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant, Edward Mitchell, was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response had been

made by the applicant to said notice.

The act of Congress of June 23, 1896, (30 Stats., 495), in a portion of section 21 thereof, provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, provides as follows:




"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Edward Mitchell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAY 19 1902


Acting Chairman.

Commissioner.

T. H. Brundage
Commissioner.

COPY.

Chectaw 122 R

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Edward Mitchell as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tamr Bixby.

(SIGNED).

Acting Chairman.

1 inclosure.

COPY.

Choctaw 2 182

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Edward Mitchell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Edward Mitchell as a citizen of said nation.

Respectfully,

WASHED)

Tams Dixby.

Acting Chairman.

1 inclosure

Through the Commissioner
of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

WASHINGTON.

June 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of Edward Mitchell for enrollment as a Choctaw citizen.

The Commission refused to enroll him.

As this applicant was never enrolled or in any way recognized as a Choctaw citizen, it is evident that under the existing law the commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,

Your obedient servant,

A.C. Tenner,

Acting Commissioner.

(B.S.B.)

P.

COPY.

D.C. 10543-1902.

Y.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3773-1902.

WASHINGTON.

June 19, 1902.

L R 5

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Edward Mitchell as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Choctaw H-162.

Muskogee, Indian Territory, July 1, 1902.

Edward Mitchell,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 10, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED):

F. E. Medico.

Commissioner in Charge.

COPY

Choctaw B-182.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cernaish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Edward Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

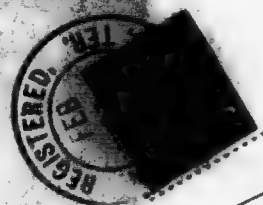
Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Edward Mitchell,~~

~~Brin Springs,~~

~~Indian Territory.~~

Reg^{no} ²⁴/₂₁

~~2106~~

~~1043~~

Unclaimed
Return to writer



COMMISSIONERS
HARRY L. DAWES
TAMM BIRNEY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

9144 CB
FILED IN REPLY TO THE FOLLOWING

Choctaw No. R-182.

MUSKOGEE, INDIAN TERRITORY, FEBRUARY 17, 1902.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Edward Mitchell, for the enrollment)
of himself as a citizen by blood of)
the Choctaw Nation.)

To Edward Mitchell,

Erin Springs, Indian Territory.

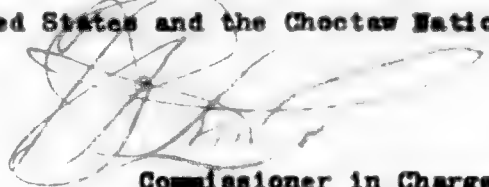
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

E. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Reg 837

UNCLAIMED



Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

For private use, \$300.



7813

Edward Mitchell

South McAlester,

J. J.





COMMISSIONERS
HENRY L. DAWES.
TAMM BIRDY.
THOMAS S. NEEDES
C. R. BOWENHURST

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-013
REFER IN REPLY TO THE FOLLOWING

Choctaw R 182

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Edward Mitchell,

South McAlester, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,


Acting Chairman.

1 inclosure

Register

the matter of the application
for enrollment of Edward Mitchell
Citizen of the Choctaw Nation.

MAY 19

MAY 17

MAY 15

MAY 13

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1 1902

Choc R183

John H. Mitchell

R183

Commission in the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of John E. Mitchell for enrollment as a
ghostaw, being sworn and examined by Com'r McKenna as stated:

Q What is your name? A John E. Mitchell.

Q How old are you? A Thirty-two.

Q Are you on the ghostaw roll? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the ghostaw rolls?

A Not that I know of.

Q You were born and raised in Arkansas? A Yes sir.

Q When did you come to the Territory? A In 1895.

Q Have you been living here all the while ever since, contin-
uously? A Yes sir.

Com'r McKenna: Enrollment is refused.

John E. Mitchell, re-called, states:

Q That you made application to the Dawes commission in 1895?

A Yes sir.

Q And were rejected? A Yes sir.

Q Appealed from that to the United States Court, and were re-
jected? A Yes sir.

Department of the Interior,

Commission in the Five Civilized Tribes.

John E. Mitchell, applicant, being sworn and examined by Com'r McKenna as stated:
In the application of John E. Mitchell for enrollment as a
ghostaw, being sworn and examined by Com'r McKenna as stated:

[Signature]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Mitchell
for the enrollment of himself as a citizen by blood of the Choctaw
Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant,
John H. Mitchell, appeared before the Commission at South McAlester,
Indian Territory, at its session begun September 4, 1899, and ended
September 13, 1899, and then and there made personal application for
the enrollment of himself as a citizen by blood of the Choctaw Na-
tion.

The evidence shows that the applicant was thirty-two
years of age at the time of the making of this application. It ap-
pears from the evidence and also from the records of this Commission
that the applicant, John H. Mitchell, filed his original petition in
connection with others for admission to citizenship in the Choctaw
Nation, being an citizenship book, Number 1224, and this application
was denied citizenship by the Commission, and an appeal perfected to

(2).

the United States Court in Indian Territory, for the Central District at South McAlester, under the act of Congress of June 10, 1896, (29 Stat., 321).

The said United States Court, by its judgment, duly entered of record on the 9th day of September, 1897, sustained the action of this Commission as to this applicant, and denied the said John H. Mitchell the right to citizenship in the Choctaw Nation.

The right of the applicant to citizenship in the Choctaw Nation, having been once passed upon by this Commission under the act of Congress above referred to, and also on appeal by the United States Court in Indian Territory, for the Central District, it is res adjudicata.


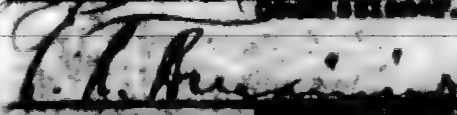
It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that this applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It is therefore the opinion of this Commission that John H. Mitchell is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

McAlester, Indian Territory,

APR 14 1902


Chairman.

Commissioner.

Charles E. 203

COPY

McAlester, Indian Territory, April 14, 1908.

John H. Mitchell,

South McAlester, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James B. Bailey

Special Agent.

Enc. 1
J. H. Mitchell

Choctaw 2 141

COPY.

Muskogee, Indian Territory, April 14, 1902.

Messrs Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John H. Mitchell as a citizen of the Choctaw Nation,

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

WAGNER

Tams Bixby.

Acting Chairman.

Enc Y 39

Register.

COPY.

Muskogee, Indian Territory, April 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of John H. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 14, 1902, refusing the application for the enrollment of John H. Mitchell as a citizen of said nation.

Respectfully,

SIGNED.

James Birney.

Acting Chairman.

1 enclosure

Through the Commissioner
of Indian Affairs.

Dawes Com. No. 8354

Copy

Refer in reply to the following:

Land
22947-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 24, 1902.

The honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 14, 1902 by the Commission to the Five Civilized Tribes forwarding the record of proceedings in the matter of the application of John H. Mitchell for enrollment as a citizen of the Choctaw Nation.

The Commission reports that the applicant appeared at the session begun September 2 and ended September 13, 1899 and made his application for enrollment as a citizen by blood of the Choctaw Nation, and it is stated in effect that this is an original applicant made subsequent to September 8, 1896b and therefore cannot be considered. It is further stated that John H. Mitchell's application for citizenship was denied September 9, 1897, by the United States court for the central district of the Indian Territory. The Commission therefore refused to enroll the applicant.

The office agrees with the conclusions of the Commission and respectfully recommends that its decision in this case be approved.

Very respectfully,
Your obedient servant,

A. C. TONNER
Acting Commissioner.

WCV
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3 incs.

Copy.

Dawes Com. NO. 8354

29212

DEPARTMENT OF THE INTERIOR.

F

WASHINGTON.

I.T.D. 2605-1902.

May 14, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 24, 1902, the Acting Commissioner of Indian Affairs transmitted the record in matter of application for enrollment of John H. Mitchell as a citizen of the Choctaw Nation - R 183 - and recommended that your decision dated April 14, 1902, be approved.

You found that on September 9, 1897, the United States court affirmed your previous decision denying the right of this applicant to citizenship in Choctaw Nation, and that therefore it is res adjudicata. You refused the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS RYAN
Acting Secretary
FMD

1 inclosure

COPY
Chester B 163

Muskogee, Indian Territory, May 24, 1902.

John H. Mitchell,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of May 14, 1902, affirmed the decision of the Commission, dated April 14, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chester nation.

Yours truly,

(SIGNED)

James Birby.
Acting Chairman.

Checked R 153

Muskogee, Indian Territory, May 24, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 14, 1908, affirmed the decision of the Commission, dated April 14, 1908, refusing the application of John H. Mitchell for the enrollment of himself as a citizen of the Choctaw nation.

Yours truly,

SIGNED.

James D. Dixby.

Acting Chairman.

COMMISSIONERS.

HENRY L. DAVIS.

TAMM HIXBY.

ABERNATH S. MCKENNON.

THOMAS H. NICHOLS.

ALLISON L. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

This copy of letter is to be filed with the papers in the case of
William Mitchell, et al.

Muskogee, Indian Territory, December 15, 1899.

John H. Mitchell, Esq.,

Erin Springs, Indian Territory.

Dear Sir:

Your letter of December 9th is received. The rights of
yourself and the others to whom you refer, to enrollment have not
yet been determined by the Commission. When a decision is reached
you will be notified of the result by registered mail.

Yours truly,


Acting Chairman.

John

Wankages, Indian Territory, April 16, 1901.

Mr. John H. Mitchell,

Wrin Springs, Indian Territory,

Dear Sir:-

Receipt is hereby acknowledged of your letter of March 31, 1901, relative to your application for enrollment as a citizen of the Chectaw Nation.

You are informed that the records of the Commission show that John H. Mitchell appeared before the Commission at South McAlester, Indian Territory, in the month of September, 1899, and there made application for enrollment as a citizen by blood of the Chectaw Nation. From an examination of the records in the possession of the Commission, it does not appear that your name has ever been upon any of the tribal rolls of the Chectaw Nation or that you have ever been admitted to citizenship in the Chectaw Nation either by the legally constituted authorities of the said Nation or by the United States Court in Indian Territory on appeal from the decision of the Chectaw tribal authorities of this Commission.

No decision as to your right to be finally enrolled as a citizen of the Chectaw Nation has yet been rendered by the Commission but when such decision is rendered, a copy thereof, stating fully the reasons for any action which may be taken by the Commission, will be mailed to you at your present postoffice address.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, May 11, 1901.

Mr. John H. Mitchell,

Erin Springs, Ind, Ter.

Dear Sir:-

Receipt is hereby acknowledged of your letter of April 4, 1901, written to the Secretary of the Interior, and by him referred to the Commission for appropriate reply.

In your letter you desire to be advised upon what roll of the Choctaw or Chickasaw Nation the name of Joceal Mitchell appears, stating that he was your grandfather.

You are informed that a careful search of the records of the Choctaw and Chickasaw Nations now in possession of the Commission has been made, and the name of Joceal Mitchell is not found on ~~any~~ the said rolls.

Yours truly,

7-R,183.

Acting Chairman.

Muskogee, Indian Territory, November 14, 1901.

John H. Mitchell,

Erin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, 1901, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

Therein you desire to be informed if the name of your father is on the records at Washington as a citizen of the Choctaw Nation and state that his name is W. C. Mitchell and also desire the Department to furnish you with the name of your grand-father.

Replying to your inquiry relative to the enrollment of your father as a citizen of the Choctaw Nation, you are informed that it appears from our records that on September 8, 1899, William C. Mitchell, 39 years of age, of South McAlester, Indian Territory, together with his minor children was listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States Court for the Central District of the Indian Territory rendered at South McAlester, Indian Territory, September 9, 1897, in Choctaw citizenship case No. 104. The name of William C. Mitchell's father appears to have been W. C. Mitchell and the name

J H H H

of his mother, Nancy Mitchell.

You are informed that it further appears from our records that at South McAlester, Indian Territory, in September, 1899, John H. Mitchell, 32 years of age, made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation and was at that time refused such enrollment for the reason that his name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission and that under the Act of Congress of June 10, 1896 and application filed by him for citizenship in the Choctaw Nation was denied by the Commission, which decision on appeal was affirmed by a judgment of the United States Court for the Central District of the Indian Territory, September 9, 1897.

Yours truly,

Acting Chairman.

7-R-163

Charles H 183

Waskogee, Indian Territory, June 23, 1902.

Postmaster,

South McAlester, Indian Territory.

Dear Sir:

On May 24, 1902, there was forwarded to your office from this Commission a letter addressed to John H. Mitchell, South McAlester, Indian Territory.

You are requested to forward this letter to Mr. Mitchell at Erin Springs, Indian Territory, his present postoffice address.

Yours truly,

Commissioner in Charge.

7-R-183

Wuskogee, Indian Territory, January 29, 1906.

John H. Mitchell,

Payne, Indian Territory.

Dear Sir:

Your letter of January 7, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you refer to your right to enrollment as a citizen of the Choctaw Nation and state that the Citizenship Court denied your application and you were never notified of any action by said court; you further state that your father was on the tribal rolls prior to 1896 and that the court had no jurisdiction in your case.

In reply to your letter you are advised that it appears from the records in this case that you were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court and if you now claim that you are entitled to enrollment under the ruling of the Department in the Choctaw enrollment case of Loula West, there is inclosed herewith for your information circular giving procedure to be followed in the presentation of cases of this character.

Respectfully,

Circular.

Acting Commissioner.

RECEIVED

APPLICANT

APR 14

FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS.

APR 14 1902

RECORD FORWARDED DEPARTMENT

APR 14

APPROVED BY SECRETARY OF INTERIOR. MAY 14

FOR DEPARTMENTAL ACTION
ATTORNEYS FOR CHOCTAW
CHICKSAW NATIONS.

MAY 14

OF DEPARTMENTAL
MAILED APPLICANT.

MAY 24 1902

Choc R184

Robert R. Mitchell

Richard Mitchell

R184

Commission to the Five Civilized Tribes,

Sushkahoma, Indian Territory.

October 10, 1892.

In the application of Robert R. Mitchell for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Robert R. Mitchell

Q How old are you? A Twenty-seven.

Q What is your wife's name? A Richard Mitchell.

Was your name included in the application made by the Mitchell family to the Dawes commission for Choctaw citizenship in 1886?

A I don't know.

Q Wasn't your father's name in it? A Yes sir.

Q Didn't you understand that it included the family? A It included some of them I know.

(Com'r McKennon: His father, with his family, made application to the Dawes commission in 1886 and was rejected; appealed to the United States court at South McAlester, and there rejected; see if name of this man was included in the application.)

Q You are not on the Choctaw rolls, and never have been?

A No sir.

Com'r McKennon: As you have not, whether that judgment is against you or not, this commission has no power to enroll you.

-----Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

McKennon

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert R. Mitchell for the enrollment of himself and his wife, Richard Mitchell as citizens of the Choctaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, Robert R. Mitchell, appeared before the Commission at Tushkahoma, Indian Territory, on the 10th day of October, 1890, and then and there made personal application for the enrollment of himself and wife, Richard Mitchell, as citizens of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicants have ever been admitted to citizenship in the Choctaw Nation, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that they have ever been admitted

to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicants have never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

From an examination of the records of this Commission it does not appear that any application by or on behalf of the applicant Robert R. Mitchell was ever made to this Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, notwithstanding the statement of Commissioner McKennon, as follows:

" His father, with his family made application to the Dawes Commission in 1896, and was rejected; appealed to United States Court at South McAlester, and there rejected".

It does not appear from the evidence submitted in support of this application that the applicant Robert R. Mitchell have ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation; neither does it appear that Richard Mitchell has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

The act of Congress of June 26, 1898, (30 Stats., 495), provides:

-2-

" Said Commission is authorized and directed to make correct rolls of the citizen by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

It, is therefore, the opinion of this Commission that Robert R. Mitchell and Richard Mitchell are not lawfully entitled to be enrolled as members of the Choctaw tribe of Indians in Indian Territory, and that the application for their enrollment as such, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.



Commissioner.



Commissioner.

Muskogee, Indian Territory,

MAY 19 1902

Choctaw 2 184

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert R. Mitchell and his wife, Richard Mitchell, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Robert R. Mitchell for the enrollment of himself and his wife, Richard Mitchell, as citizens of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Robert R. Mitchell and his wife as citizens of the Choctaw Nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land. 30,960-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Robert R. Mitchell for enrollment as a Chectaw citizen.

The Commission refused to enroll him.

From the record it appears that this applicant's name does not appear on any of the Chectaw rolls and that he has never been enrolled or recognized as a Chectaw citizen.

It is the opinion of this office that the Commission had no authority to enroll him and I respectfully recommend that the decision of the Commission refusing enrollment on this application be approved.

Very respectfully,

Your obedient servant,

A. G. Fenner,

Acting Commissioner.

(N.S.B.)P.

COPY.

D.C. 10521-1902.

Department of the Interior.

Washington June 19, 1902.

I.T.D. 3770-1902.

L.R.S.

The Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Robert R. Mitchell and his wife Richard Mitchell, as citizens of the Chectaw Nation. You refused the application because the applicants have never been enrolled or admitted as Chectaw citizens. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw R-184.

Muskogee, Indian Territory, July 1, 1902.

Robert R. Mitchell,

Tushkahoma, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself and wife, Richard Mitchell, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED) *I. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,

Attorney for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Robert R. Mitchell for the enrollment of himself and his wife, Richard Mitchell, as citizens of the Choctaw Nation.

Yours truly,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Pay 146
134



Return to
writer

7851

Robert R. Mitchell,

Chickahomney,

Indian Territory.

Unclassified

Department of the Interior.

Office of the Five Civilized Tribes.

MOOREHEAD, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



JUN 7 1902

W. O. B.

COMMISSIONERS:
HENRY L. DAWES
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R 184.

ALLISON I. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, May 19, 1902.

Robert R. Mitchell,

Tushkahomma, Indian Territory.

Dear Sir:

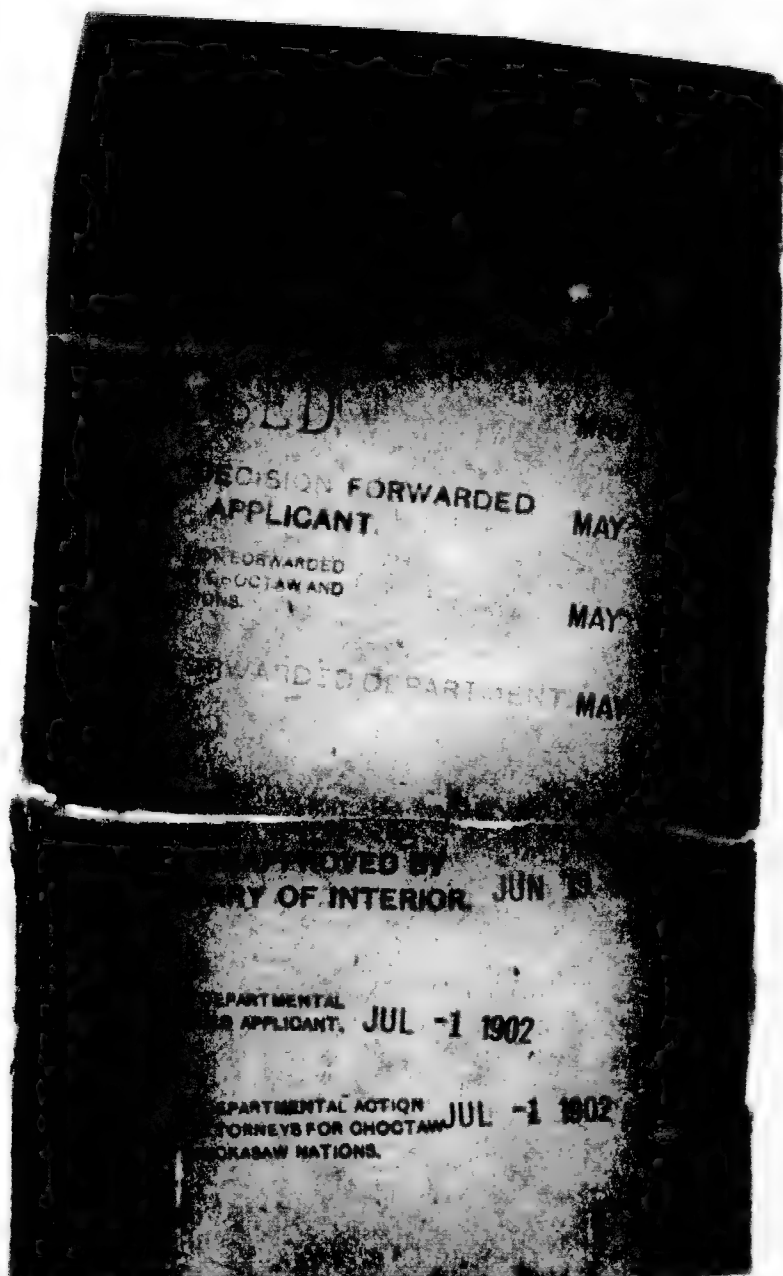
There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and wife, Richard Mitchell, as citizens of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure.
Register.



DECISION FORWARDED
APPLICANT.

MAY

FORWARDED
CHOCTAW AND
NATIONS.

MAY

FORWARDED DEPARTMENT MAY

APPROVED BY
DEPARTMENT OF INTERIOR. JUN 19

DEPARTMENTAL
FOR APPLICANT. JUL -1 1902

DEPARTMENTAL ACTION
ATTORNEYS FOR CHOCTAW
OKASAW NATIONS. JUL -1 1902

Choc R185 Tobirha T. Mitchell

R185

Commission to the Five Civilized Tribes.

Tushkahoma, Indian Territory.

October 10, 1899.

In the application of Rebitha T. Mitchell for enrollment as
ghost, being sworn and examined by Com'r McKenna, she states:

Q What is your name? A Rebitha T. Mitchell.

Q How old are you? A Fifty-five.

Q You claim Cheatek by blood? A No sir, I am a white woman.

Q What is your husband's name? A Richard Mitchell.

Q Is he living? A No sir, he is dead.

Q What would be his age if living? A Fifty-six.

Q Is he a brother of Robert H. Mitchell and William C. Mitchell?

A Yes sir.

Q Do you know whether he made application to the Five commission
in 1896? A Yes sir, he did.

Q And he was denied and the same was appealed to the United
States Court at South McAlester and was denied there? A Yes sir.

Q You are making application for your children? A Yes sir,
for his children.

Com'r McKenna: That judgment is final against them, and
we will have to refuse enrollment.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
Commissioner to the Five Civilized Tribes, that this
document is a true and correct translation of
the foregoing notes.

W. D. Miller

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----:-----

IN the matter of the application of Tobitha T. Mitchell for the enrollment of herself as a citizen by intermarriage of the Cheetaw Nation.

---: D E C I S I O N :---

The record in this case shows that the applicant, Tobitha T. Mitchell, appeared before the Commission at Tushkahumma, Indian Territory, at its session beginning on May 29, 1899, and ending on May 31, 1899, and then and there made personal application for the enrollment of herself as a citizen by intermarriage of the Cheetaw Nation.

From the records of the Commission it appears that the said applicant is a white woman, fifty-five years of age, and the widow of Richard Mitchell.

The evidence in this case shows that the said Richard Mitchell, the husband of the applicant, filed his original petition in connection with others for admission to citizenship in the Cheetaw Nation, being on Commission Booklet "C", Number 1234. And it further appears from the record that the applicant was not included in the

original petition of her said husband.

The Commission, acting under the act of Congress of June 10, 1896, (29 Stats., 381), denied the said Richard Mitchell, husband of the applicant, the right to citizenship in the Choctaw Nation, and this decision, on appeal to the United States Court in Indian Territory, for the Central District, at South McAlester, was affirmed by said Court, and by its judgment entered of record on the 9th day of September, 1897, the said Richard Mitchell was denied the right to citizenship in the Choctaw Nation.

It does not appear from the evidence offered in support of this application, and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that either the said Richard Mitchell, or the applicant herself, were ever enrolled as citizens of the Choctaw Nation, nor do their names or either of their names appear upon any of the tribal rolls of the Choctaw nation in the possession of the Commission, nor does it appear that they, or either of them have ever been admitted to Choctaw citizenship by the legally constituted authorities of said Nation.

It does not appear that Tobitha T. Mitchell, the applicant herein, is an intermarried citizen of the Choctaw Nation, or has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen by blood of that Nation.

The act of Congress of June 30, 1898, (30 Stats., 495) among other things provides as follows:

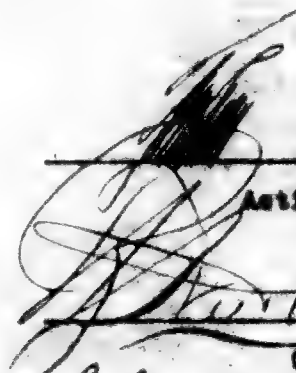
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the


(3).

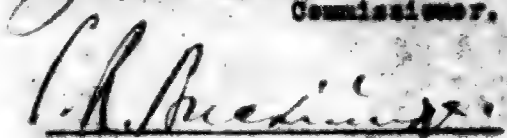
tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Cheetaw and Chickasaw citizenship under the treaties and the laws of said tribes."

It is, therefore, the opinion of this Commission that Tebittha T. Mitchell is not lawfully entitled to be enrolled as a member of the Cheetaw Tribe of Indians in Indian Territory, by inter-marriage, and that her application as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.


Commissioner.


Commissioner.

McKeage, Indian Territory,

APR 14 1902

Chectaw R 186

COPY

Muskogee, Indian Territory, April 14, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tobitha T. Mitchell, as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

Jams Dixby.

Acting Chairman.

Enc Y 42

Register.

COPY.

Muskogee, Indian Territory, April 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Tobitha T. Mitchell for the enrollment of herself as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 14, 1902, refusing the application for the enrollment of Tobitha T. Mitchell, as a citizen of said nation.

Respectfully,

SIGNED.

Jams Bixby.
Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

C O P Y

Refer in reply to the following;

Land

22947-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 14, 1902 by the Commission to the Five Civilized Tribes forwarding the record of proceedings in the matter of the application of Tabitha T. Mitchell for enrollment as an inter-married citizen of the Choctaw Nation.

The Commission reports that the applicant appeared at the session of the Commission on May 29, 1899 and made application; that she is a white woman, 55 years of age and the wife of Richard Mitchell; that the application of Richard Mitchell for citizenship in the Choctaw Nation was denied by the United States court for the central district of the Indian Territory. It is further reported in effect that this is an original application made subsequent to September 8, 1896 and that therefore the applicant is not entitled to be enrolled.

The office agrees with the Commission's conclusions and respectfully recommends that it be advised that its decision is affirmed.

Very respectfully,
Your obedient servant.
A.C. TOWNER

Acting Commissioner

WCV
D

3 inclosures.

Copy
29213

Dawes Com. No. 8353

DEPARTMENT OF THE INTERIOR.

I.T.D. 2599-1902.

WASHINGTON.

L.F.S

May 14, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 24, 1902, the Acting Commissioner of Indian Affairs transmitted the record in matter of application of Tobitha T. Mitchell for enrollment as a citizen of the Choctaw Nation by intermarriage - P 185 - and recommended that your decision be approved.

You found that the Commission acting under the act of June 10, 1896 (29 Stat., 321), denied the right of Richard Mitchell husband of the applicant, to enrollment as a citizen of the Choctaw Nation which decision was affirmed by the U. S. Court for the Central District on appeal; that it does not appear that the applicant has ever been married to a recognized citizen by blood of said nation in accordance with tribal laws. You rejected the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

FMD

1 inclosure.

COPY

Checker # 188

Muskogee, Indian Territory, May 24, 1902.

Tobitha T. Mitchell,

Tuskahoma, Indian Territory.

Indian

You are hereby advised that the Secretary of the Interior under date of May 14, 1902, affirmed the decision of the Commission, dated April 14, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw nation by intermarriage.

Yours truly,

(SIGNED).

James Dixby.

Acting Chairman.

COPY.

Chester E 140

Washington, Indian Territory, May 24, 1902.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of May 14, 1902, affirmed the decision of the Commission, dated April 14, 1902, refusing the application made by Tebithe T. Mitchell for the enrollment of herself as a citizen of the Choctaw nation by intermarriage.

Yours truly,

(SIGNED). *Fame Dixby.*

Acting Chairman.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to

6237

2901

Unclaimed

Whitha T. Mitchell

Can not be found

Tushkukomonal
J. J.



COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDES
C. R. BRECKINRIDGE

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R 185

Muskogee, Indian Territory, April 14, 1902.

Tobitha T. Mitchell,

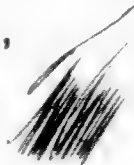
Tushkahomma, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

Enc Y 41

Register.



Choc R186 Robert H. Mitchell

R186

Commission to the Five Civilized Tribes,

Tusahomus, Indian Territory,

October 10, 1897.

In the application of Robert H. Mitchell for enrollment as a
ghost, being sworn and examined by Com'r McKenna he states:

Q What is your name? A Robert H. Mitchell.

Q How old are you? A Fifty-three.

Q You claim as ghost? A Yes sir.

Q You made application to the Dawes commission in 1896?

A There was one made to the Dawes commission for me in 1896.

Q And you were rejected? A Yes sir, and came before the
court at South McAlester, through William C. Mitchell, my brother.

Q The case was appealed to the United States Court at South Mc-
Alester? A Yes sir.

Q And you were not admitted by the court? A No sir.

Q Then you were rejected? A Yes sir.

Com'r McKenna: That judgment is final against you, and
your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon oath, and as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

[Signature]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert H. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

--- DECISION ---

It appears from the record in this case that the applicant, Robert H. Mitchell, appeared before the Commission at Muskogee, Indian Territory, on October 10, 1909, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence submitted that the applicant, Robert H. Mitchell, is fifty-three years of age and claims to have made original application to this Commission under the act of February 26, 1905, through William S. Mitchell, his brother, of which application of the said Robert H. Mitchell, there is no record on file with this Commission.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant, Robert H. Mitchell, has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the Possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that the applicant, Robert H. Mitchell, has ever been married under the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1896, (30 Stats., 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made

by the applicant to said notice.

The act of Congress of June 26, 1896, (30 Stats., 495), in a portion of section 21 thereof, provides:

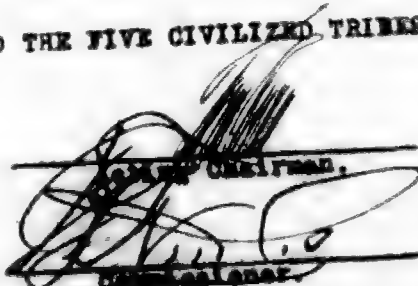
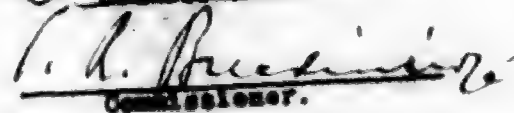
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes".

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized member thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It, is therefore, the opinion of this Commission that Robert H. Mitchell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.

Waukege, Indian Territory.

MAY 19 1902

COPY.

Choctaw 2 100

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Robert H. Mitchell as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James Bixby

Acting Chairman.

1 inclosure.

COPY.

Choctaw B 133

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Robert H. Mitchell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Robert H. Mitchell as a citizen of said nation.

Respectfully,

(SIGNED)

Tamie Bixby.

Acting Chairman.

1 inclosure.

Through the Commissioner of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
30,960-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Robert H. Mitchell for enrollment as a Choctaw citizen.

The Commission refused enrollment.

This applicant was never enrolled or recognized as a citizen of the Choctaw Nation and it is the opinion of this office that the Commission had no authority to enroll said applicant, under the provisions of the existing law.

I respectfully recommend that the decision of the commission on this application be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner.

(E.S.S.) P.

COPY

D.C. 10845-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3745-1902.

WASHINGTON

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Robert H. Mitchell as a citizen of the Choctaw Nation. You refused his application because he has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F.L. Campbell,

Acting Secretary.

1 inclosure.

END

COPY.

Chectaw R-186.

Washington, Indian Territory, July 1, 1902.

Robert H. Mitchell,

Tushkahoma, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chectaw Nation.

Yours truly,

(SIGNED)

T. E. Woodlee.

Commissioner in Charge.

COPY.

Choctaw No. 184.

Washkago, Indian Territory, July 1, 1902.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw & Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 18, 1902, refusing the application made by Robert H. Mitchell, for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COMMISSIONERS.

HENRY L. DAVIS,
TAMM BIXBY,
ALEXANDER S. MCKENNON,
THOMAS R. NEEDLES.

ALLISON I. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

South Canadian, Indian Terr., September 16, 1899.

R. H. Mitchell, Esq.,

Reichert, Indian Territory.

Dear Sir:-

In reply to yours of the 12th inst. It will be necessary for you to come before the commission and make statement under oath. The statement of the facts cannot be taken in any other way.

Very truly yours,

A S McKennon

Commissioner.

C/204

C/263

C/414.

Muskegee, Indian Territory, April 4, 1900.

Mr. J. R. White,

Reichert, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of March 30, in which you desire to be informed as to whether Robert H. Mitchell has been listed for enrollment as a Choctaw by this Commission. You are informed that the records of this Commission show that Robert H. Mitchell, fifteen years of age, the son of John Mitchell, was duly listed for enrollment by this Commission, September 14, 1898, pursuant to a judgment rendered by the United States Court for the Central District of the Indian Territory at South McAlester August 25, 1897, in court case Number 116. Listed for enrollment with him is his brother William, seventeen years of age, and they would appear to be the parties of whom you inquire in your letter. If they are not, if you will furnish the Commission with the time and place that the parties of whom you inquire appeared before this Commission as applicants for enrollment, their ages, the names of the members of the family and any other information that may lead to their identification, the matter will receive further consideration.

Yours truly,

In replying to this letter,
please refer to Choctaw 5014.

Acting Chairman.

Muskogee, Indian Territory, April 26, 1906.

Mr. L. B. White,

Reichenert, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 16, in the matter of the application of Robert H. Mitchell, and from the information in your letter, the Commission is led to believe that the Robert H. Mitchell of whom you inquire is the identical party who appeared before the Commission at Muskogee, October 10, 1899, as an applicant for enrollment as a Choctaw, and his testimony at that time shows that he made application to the Daves Commission in 1896 and the Daves Commission rejected such application, and on appeal being taken to the United States Court for the Central District of the Indian Territory at South McAlester in the case of William C. Mitchell et al. vs. the Choctaw Nation, in which he seems to claim admission to citizenship, the judgment of this Commission was reversed as to a number of the parties in the original application and the judgment of the court admits to citizenship William C. Mitchell and eight other parties who appeared in the original application. Robert H. Mitchell, however, was not admitted by the judgment of the court and as that judgment is final as to the Commission's power to enroll him, his application for enrollment was refused last October.

Yours truly,

Acting Chairman.

In replying to this letter,
please refer to A-100



Department of the Interior

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Robert H. Mitchell,~~

~~Waco Springs,~~

~~Indian Territory~~

Ref no 23

2107

Unclaimed Return to writer



COMMISSIONERS
HENRY L. DAWES
TAMS DIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-1019
REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-186.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Robert H. Mitchell, for the enroll-)
ment of himself as a citizen by)
blood of the Choctaw nation.)

To Robert H. Mitchell,

Erin Springs, Indian Territory.

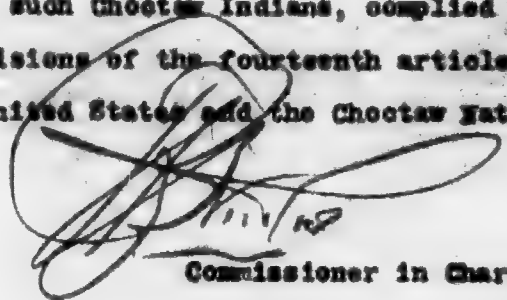
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

R. H. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Reg ¹³⁸/₁₃₆



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return
with

7819

W. C. ...
Robert H. Mitchell
Tuskahoma
J. F.



May 7 1902

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRUCKENRIEDER.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-013

REFER IN REPLY TO THE FOLLOWING

Choctaw R 186

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Robert H. Mitchell,

Tushkahomma, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure

Register

Choc R187 Albert mitchell

R187

Commission to the Five Civilized Tribes,

Tushkahomma, Indian Territory.

October 10, 1899.

In the application of Albert M. Mitchell for enrollment as a Choctaw; being sworn and examined by Com'r McKennon as states:

Q What is your name? A Albert M. Mitchell.

Q How old are you? A Twenty-four.

Q Are you a son of Robert H. Mitchell? A Yes sir.

Q Was your name included in the application of the family made to the Dawes commission in 1896? A I never applied, I don't know whether father put it in or not.

(Son of R.H. Mitchell, who, with family, applied to the Dawes com. in 1896, and were refused; case appealed to the United States court, South McAlester, and there refused; see if Albert M. Mitchell was named in application and rejected.--Com'r McKennon)

Q You have never been enrolled as a Choctaw citizen? A No sir.

Com'r McKennon: The commission has no authority to enroll you, and your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

[Signature]

1-2-1897.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Albert H. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

---: DECISION :---

It appears from the record in this case that the applicant, Albert H. Mitchell, appeared before the Commission at Muskogee, Indian Territory, on October 20, 1896, and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been enrolled as a citizen of the Choctaw Nation.

It does not appear from an examination of the records in the possession of the Commission that the applicant, Albert M. Mitchell has ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321), nor is there any record of any application for citizenship filed with this Commission by or on behalf of said R. H. Mitchell, or Albert M. Mitchell under the provisions of said act of Congress of June 10, 1896; notwithstanding the following statement which appears in the record of this case, by Commissioner McKennon, "Son of R. H. Mitchell, who, with family, applied to the Dawes Com. in 1896, and were refused; case appealed to United States Court, South McAlester, and there refused; see if Albert M. Mitchell was named in application and rejected.-- Com'r McKennon".

Neither does it appear that said Albert M. Mitchell has ever been married in accordance to the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of said nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 20, 1896, (30 Stats. 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior".

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from the date thereof within

which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud, or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that Albert M. Mitchell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Muskogee, Indian Territory,

MAY 19 1902


Commissioner.

COPY.

Choctaw 2 187

Muskogee, Indian Territory, May 19, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Albert W. Mitchell for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED).

James E. Fixby.

Acting Chairman.

1 inclosure

COPY.

Choctaw R 187

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Albert M. Mitchell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Albert M. Mitchell as a citizen of said nation.

Respectfully,

(SIGNED)

James B. Blythe
Acting Chairman.

1 inclosure.

Through the Commissioner of Indian Affairs.

COPY.

(COPY)

Refer in reply to the
following:
Land.
38,245-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, June 12, 1902.

The Honorable

The Secretary of the Interior,

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of Albert M. Mitchell for enrollment as a Choctaw.

The Commission refused enrollment.

From the record and evidence it appears that this applicant was never on the Choctaw rolls, and was never recognized as a Choctaw. It would therefore appear that the Commission was without authority to enroll him under the provisions of the existing law.

I respectfully recommend that the decision of the Commission refusing enrollment be approved.

Very respectfully,

Your obedient servant,

A. G. Tonner,

Acting Commissioner.

(E.S.S.)

copy

D.C. 16637-1902.

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3720-1902.

WASHINGTON.

June 19, 1902.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Albert M. Mitchell as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted to citizenship in said nation. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary, **END**

1 inclosure.

COPY.

Choctaw N 107.

Muskogee, Indian Territory, July 1, 1902.

Albert M. Mitchell,

Tushkahawma, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw # 127.

Waskagee, Indian Territory, July 1, 1902.

Mansfield, McMuray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Albert M. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNATURE)

I. B. Needles.

Commissioner in Charge.

Department of the Interior.

Committed to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Reg No 22

2198

~~Albert M. Mitchell,~~

~~John Springs,~~

~~Indian Territory.~~

Unclassified Return to writer.



COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. Choctaw No. R-187.

4111129
REFERED IN REPLY TO THE FOLLOWING

LETTERS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Albert M. Mitchell, for the enrollment
of himself as a citizen by blood of
the Choctaw Nation. }

To Albert M. Mitchell,

Erin Springs, Indian Territory.

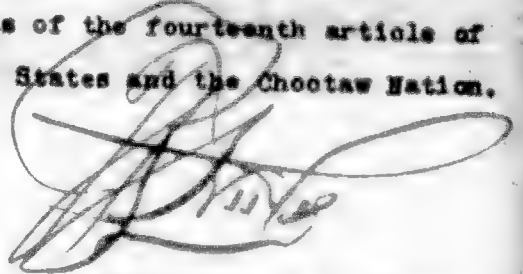
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

A. M. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Reg 136
136



Department of the Interior.

Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to
writer

7818

3764

~~Albert M. Mitchell~~

Unclaimed

~~Tushkahomina~~

J. J.



JUN 7 1902

COMMISSIONERS
HENRY L. DAWES.
YANG BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

411-1013

REFER IN REPLY TO THE FOLLOWING

Choctaw R 188

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Albert M. Mitchell,

Tushkahomma, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure
Register

DECISION FORWARDED
APPLICANT

FORWARDED
CHOCTAW AND
NATIONS.

FORWARDED DEPARTMENT

ON APPROVED BY
TARY OF INTERIOR. JUN 19

DEPARTMENTAL
ED APPLICANT.

JUL -1 1902

DEPARTMENTAL ACTION
FOR CHOCTAW
NATIONS

JUL -1

Choc R188 William D. Mitchell

R188

Commission to the Five Civilized Tribes,

Tushkahoma, Indian Territory.

October 10, 1899.

In the application of William D. Mitchell for enrollment as a
shooter, being sworn and examined by Comr McKeechorn as witness:

Q What is your name? A William D. Mitchell.

Q How old are you? A Twenty-nine.

Q Are you a son of Robert B. Mitchell? A Yes sir.

Q Was your name included in the application made by the Mitchell
family in 1896? A Yes sir, the old man tried it; my name was
in the application.

Q The Dawes Commission rejected them and the case was appealed
to the United States court, and you were there rejected?

A Yes sir.

Comr McKeechorn: That judgment is final against you, and you
cannot be enrolled.

Department of the Interior
Commission to the Five Civilized Tribes
I hereby certify, upon my official oath,
transcribed in above named Commission, that this
transcript is a true and correct translation of
my stenographic notes.

[Signature]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

-----: D E C I S I O N :-----

It appears from the record in this case that the applicant William D. Mitchell, appeared before the Commission at Tushkahoma, Indian Territory, on October 10, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence submitted that the said William D. Mitchell is the son of one Robert H. Mitchell and is twenty-nine years of age; that the said William D. Mitchell claims that he was included in the alleged application of said Robert H. Mitchell to this Commission for citizenship in the Choctaw Nation, under the act of Congress of June 10, 1896, but there is no record of any such application having been made by the said

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William D. Mitchell for the enrollment of himself as a citizen of the Cheetaw Nation.

---: D E C I S I O N :---

It appears from the record in this case that the applicant, William D. Mitchell, appeared before the Commission at Tushkahoma, Indian Territory, on October 10, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Cheetaw Nation.

It appears from the evidence submitted that said William D. Mitchell is the son of one Robert H. Mitchell and is twenty-five years of age; that the said William D. Mitchell claims that he was included in the alleged application of said Robert H. Mitchell to this Commission for enrollment as citizens of the Cheetaw Nation under the act of Congress of June 10, 1899, but there is no record of any such application having been made by the said

Robert H. Mitchell, or on behalf of said William D. Mitchell in the files of this Commission.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of this Commission that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the duly and legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant, William D. Mitchell, has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321); neither does it appear that he has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of the said nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1896, (30 Stats., 495), as follows:

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on the 17th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date

thereof within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (32 Stats., 821) in a portion of the second paragraph thereof, provides:

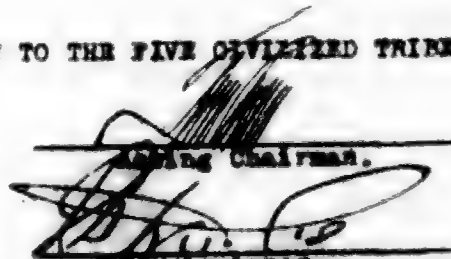
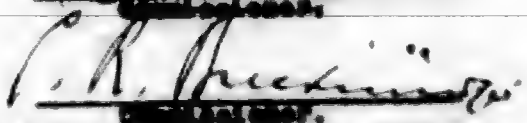
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized citizen thereof, and duly and lawfully enrollment or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior".

It is, therefore, the opinion of this Commission that William D. Mitchell is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that his application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

MAY 19 1902


Acting Chairman.

Commissioner.

COPY.

Chectaw R 183

Muskogee, Indian Territory, May 19, 1902.

Mansfield, Mc Murray & Cornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William D. Mitchell as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly, *Samuel D. Dyer*

(SIGNED)

Acting Chairman.

1 Inclosure.

Choctaw R. 200

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of William D. Mitchell for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of William D. Mitchell as a citizen of said nation.

Respectfully,

RECEIVED

SIGNED

James W. Wray

Acting Chairman.

1 inclosure

Through the Commissioner
of Indian Affairs.

(COPY)

Refer in reply to the
following:
Land.
32,960-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 12, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of William D. Mitchell for enrollment as a Choctaw citizen.

The Commission refused enrollment.

From the record it appears that the applicant has never been recognized or enrolled as a Choctaw and therefore is not entitled to enrollment under the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(E.S.S.)

P.

9
D.C. 10530-1902.

7.

DEPARTMENT OF THE INTERIOR.
I.T.D. 3701-1902. WASHINGTON. June 19, 1902.

L R S

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of William D. Mitchell as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

ED

COPY.

Choctaw B 186.

Muskogee, Indian Territory, July 1, 1908.

William B. Mitchell,

Tullockham, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1908, affirmed the decision of the Commissioner, dated May 19, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. D. Needles

Commissioner in Charge.

COPY.

Choctaw 2 125.

Washkgee, Indian Territory, July 1, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 18, 1908, affirmed the decision of the Commission, dated May 19, 1908, refusing the application made by William D. Mitchell for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. D. Needles

Commissioner in Charge.

Regno 2



Department of the Interior.
Commissioner to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

2199

~~William D. Mitchell,~~
~~Bris Springs,~~
~~Indian Territory.~~

Unclaimed Return to writer



COMMISSIONERS
HENRY L. DAWES
TAMM BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-188.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of }
William D. Mitchell, for the enroll- }
ment of himself as a citizen by }
blood of the Choctaw Nation. }

To William D. Mitchell,

Erin Springs, Indian territory.

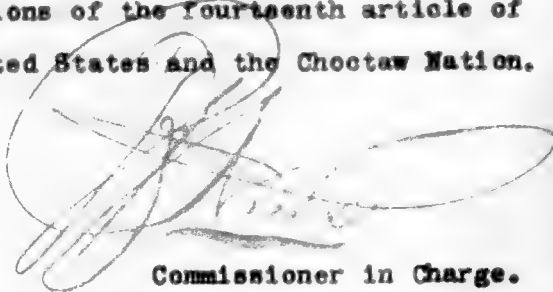
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

W. D. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the paragraph.

Commissioner in Charge.

Register.

Reg. 137
136



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to
Write

7820

~~William A. Mitchell~~

Unclaimed
Not here

~~Suchwakomma~~

S. J.



JUN 7 1902

40-013

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRICKNORRIDGE.

ALLISON L. AVLEWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 188

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

William D. Mitchell,

Tushkahomma, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure.

Register.

in the matter of the application
for the allotment of William B.
Chickasaw of the Choctaw Nation

MAY

ORDERED BY
APPL. C. N.

MAY

MAY

AND FORWARDED DEPARTMENT MAY

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUL -1

Choc R189 William C. Mitchell

Denied

R189

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter.

In the application of William C. Mitchell for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

- Q What is your name? A William C. Mitchell.
- Q How old are you? A Sixty-nine.
- Q Are you on the Choctaw rolls? A Not as I know of.
- Q Have you ever been? A Not as I know of.
- Q Were your father and mother on the Choctaw rolls? A Not as I know of.
- Q Where did you live? A At Gren Springs, Chickasaw Nation.
- Q How long have you been living there? A Over a year.
- Q How long have you been living in the Choctaw and Chickasaw country? A I have been living in the Territory four years.
- Q Where did you come from? A Arkansas.
- Q Been living in Arkansas all your life up to that time?
- A Yes sir, pretty much; I came from Mississippi there when I was a boy.
- Q You came to Arkansas in 1833, how old were you then? A I was four or five years old.
- Q You lived in Arkansas until four years ago? A Yes sir.
- Q What year did you move here? A In 1895.
- Q What time in the year? A September.
- Q You have been living here ever since? A Yes sir.

Com'r McKennon: Enrollment is refused.

Wm.C.Mitchell, re-called, states:

- Q You made application to the Dawes Commission in 1896 didn't you? A Yes sir.
- Q And were rejected? A Yes sir.
- Q With all of your family? A Yes sir.

Wm.C.Mitchell,- #2)

Q You appealed to the United States Court at South McAlester and were rejected? A Yes sir.

William C. Mitchell, being recalled a second time, states:

Q Your son, William J., made application to the Dawes commission?

A Yes sir.

Q How old is he? A Twenty-six.

Q He was rejected by the Dawes commission? A Yes sir.

Q And was also rejected by the United States Court on appeal?

A I reckon so.

Q You and all of your family were rejected by the United States Court at South McAlester? A Yes sir.

O.R.Mitchell was admitted by the court.

Com'r McKennon: That judgment is absolutely final against your people.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
Secretary to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Green

TERRITORY OF OKLAHOMA.

COUNTY OF LOGAN.

Personally appeared before me a notary public in and for said County and Territory, Elizabeth N. Sullivan, nee Elizabeth Dibrell, aged 86 years, who being sworn deposes and says; she is personally acquainted with Joel Mitchell, father of the applicant W. C. Mitchell, now living at Erin Springs, Chickasaw Nation, and knew him about the year 1830, and knew him to be of Choctaw Indian descent and that he lived in Sparta, Tennessee about that time.

(Signed) Elizabeth N. Sullivan.

Subscribed and sworn to before me this 11th day of February, 1901.

(SEAL)

(Signed) E. J. Blackman,

Notary Public.

My Commission expires Dec. 27th 1902.

INDIAN TERRITORY.

NORTHERN DISTRICT.

I, Clara Mitchell Wood, a notary public in and for the Northern Judicial District of Indian Territory, do hereby certify that the above and foregoing is a true and correct copy of the affidavit of Elizabeth N. Sullivan as sworn to before E. J. Blackman, on February 11, 1901; that the original is now in my possession and that the same have been carefully compared by me, and is in all things true and correct.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal of office this 30th day of April, 1902.

Clara Mitchell Wood

Notary Public.

Chectaw R 189

Muskogee, Indian Territory, April 30, 1902.

William C. Mitchell,

Erin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that you have concluded to let your case rest upon the judgment and report of the Master in Chancery and also forward the affidavit of Elizabeth M. Sullivan relative to Joel Mitchell, your father, residing in Sparta, Tennessee about the year 1830.

You are advised that this affidavit has been filed with the records of the Commission in the matter of your application for enrollment as a citizen of the Chickasaw Nation.

The Commission will at as early a date as practicable render its decision relative to your application for enrollment as a citizen of the Chectaw Nation and in the event that such decision is unfavorable to you, you will be advised thereof and of the forwarding of the case to the Secretary of the Interior for his review.

Yours truly,

Commissioner in Charge.

Chester R 189

Muskogee, Indian Territory, October 29, 1908.

William C. Mitchell,

Erin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th instant, in which you desire to be advised if it is necessary for you to appear before the Commission in the matter of your application for enrollment.

In reply to your letter you are advised that it appears from our records that William C. Mitchell, of Erin Springs, Indian Territory, is an applicant for enrollment as a citizen of the Choctaw Nation. It does not appear that William C. Mitchell has ever been recognized or enrolled by the Choctaw tribal authorities of that Nation. It does appear, however, that William Mitchell was denied citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, in a judgment rendered at South McAlester, Indian Territory, September 9, 1897 in Choctaw citizenship case No. 104.

The Commission has not up to this time rendered a decision in the matter of your application for enrollment as a

citizen of the Choctaw Nation but will do so at as early a date

WCHS

as practicable, and in the event that such decision is unfavorable to you, you will be advised thereof and of the forwarding of the record in the case to the Secretary of the Interior for his review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 10, 1903.

William C. Mitchell,

Lindsay, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 29, 1903, giving a history of your family, and asking the status of your claim to citizenship in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you and your children were applicants to this Commission in 1896 for citizenship in the Choctaw Nation; that the Commission refused your application in Commission case No. 378; that an appeal was taken to the United States Court for the Central District of the Indian Territory, and on September 9, 1897, the said Court sustained the decision of the Commission in Court case Citizenship Docket No. 104.

It further appears from our records that you made application to this Commission at South McAlester, Indian Territory, in 1899 for enrollment as a citizen of the Choctaw Nation.

Your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations on September 25, 1902:

William C Mitchell-----2

"Such citizenship court shall also have like appellate jurisdiction and authority over judgments rendered by such courts under the said act denying claims to citizenship or to enrollments as citizens in either of said nations. Such appeals shall be taken within the time hereinbefore specified and shall be taken, conducted and disposed of in the same manner as appeals by the said nations, save that notice of appeals by citizenship claimants shall be served upon the chief executive officer of both nations."

Respectfully,

Acting Chairman.

Waskogee, Indian Territory, February 19, 1903.

William C. Mitchell,

Lindsay, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, giving the history of your family and asking the status of your claim to citizenship in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you and your children were applicants to this Commission in 1896 for citizenship in the Choctaw Nation; that the Commission refused your application in Commission case No. 378; that an appeal was taken to the United States Court for the Central District, Indian Territory, and on September 9, 1897, the said Court sustained the decision of the Commission in Court case, citizenship docket No. 104.

It further appears from our records that you made application to this Commission at South McAlester, Indian Territory, in 1899 for enrollment as a citizen of the Choctaw Nation.

Your attention is invited to sections 31, 32 and 33 of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 28, 1902, a copy of which is herewith enclosed.

Respectfully,

Enc. doc. Cho. Sup. Agreement

Acting Chairman.

7-R-189
7-R-29

Muskogee, Indian Territory, January 29, 1906.

Charles von Weise,
Ardmore, Indian Territory.

Dear Sir:

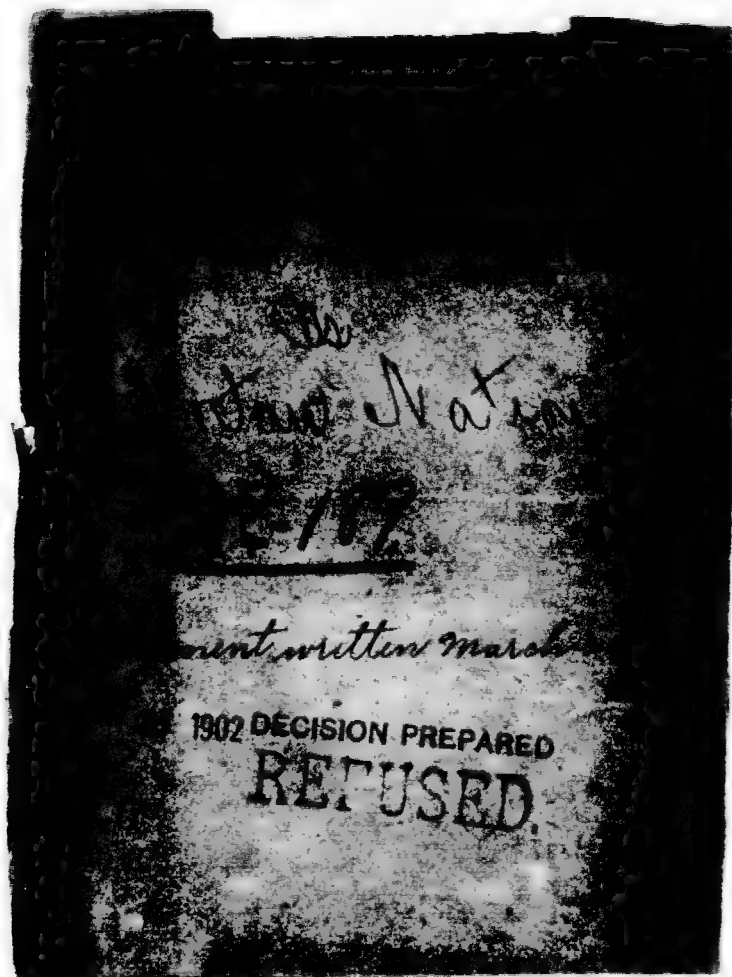
Receipt is hereby acknowledged of your letters of January 20, 1906, asking the status of the application for the enrollment of William C. Mitchell, Sarah E. Brower, Isaac, Charles, and Sarah E. Brower as citizens by blood of the Choctaw Nation.

In reply to your letter you are advised that it appears from the records of this office that William C. Mitchell and Sarah Brower were denied citizenship in the Choctaw Nation by the Choctaw and Chickasaw Citizenship Court March 28, 1904 in case No. 72 on the South McAlester docket.

It does not appear from the records of this office that an application has been made for the enrollment of Isaac, Charles, and Sarah E. Brower, children of Sarah E. Brower.

Respectfully,

Acting Commissioner.



Choc R 190

Benson W. Moore

refer to MCR 3597

R190

EMPTY

Doc R191 Silas W. Moore

R191

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
Superintendent to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Owen

Commission to the Five Civilized Tribes,

South Canadian, Indian Ter.

In the enrollment of Silas W. Moore as a Choctaw, being sworn
and examined by Com'r McKennon he states:

- Q What is your name? A Silas W. Moore.
- Q How old are you? A Twenty-eight.
- Q You were born and raised in Texas? A Yes sir.
- Q Came to the Territory four years ago? A Yes sir.
- Q You are not on the Choctaw rolls, and never have been?
- A No sir.
- Q You were not admitted by the Choctaw Council nor by the Dawes Commission? A No sir.
- Q Did you make application to the Dawes Commission in 1896?
- A No sir.
- Q Did your father make application for you? A Yes sir.
- Q You know what became of that? A No sir.
- Q Don't you know that you were rejected? A I don't know.
- Q Didn't you hear that you were rejected? A Yes sir.
- Q How did you hear it? A I just heard it through my father; we noticed it in the paper.
- Q Did n't he get a notice specially from the Dawes Commission that he was rejected? A No sir.
- Q Didn't you see it? A No sir.
- Q You never heard him talk about getting it? A I never heard him say whether he got notice or not.

Com'r McKennon: There is no question but what you were
rejected by the Dawes Commission, and that judgment is final
against you, and your enrollment will be refused.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

— 800 —

In the matter of the application of Silas W. Moore
for the enrollment of himself as a citizen of the Choctaw Nation.

—
D E C I S I O N
—

The records in this case will show that Silas W. Moore appeared before the Commission at South Canadian, Indian Territory, during its session beginning September 14, 1899, and ending September 24, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Cho-

law Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321), nor is there any record of any application on behalf of said Silas W. Moore ever being made to this Commission under the provisions of the act of Congress of June 10, 1896; neither does it appear that the said applicant Silas W. Moore, has ever been married in accordance with the tribal laws of the Choctaw Nation to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495), section 21, provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw land under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September, twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform any and all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that he would be allowed thirty days from that date within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made

a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stat. 495), in a portion of section 31, thereof, provides as follows:

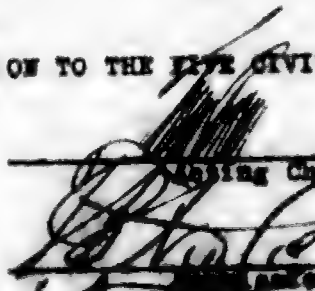

" Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship, under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stat., 221), in a portion of the second paragraph thereof, provides as follows:

That Said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a duly recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Silas W. Moore is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. R. Neff, Chairman.

J. R. Neff, Secretary.

Wahkagee, Indian Territory,

MAY 19 1902

Chester R 191

COPY
Muskegon, Indian Territory, May 19, 1902.

Mansfield, McFurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Silas W. Moore as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

RECEIVED

Sam B. Bixby

Acting Chairman.

1 inclosure

COPY.

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Silas W. Moore for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Silas W. Moore as a citizen of said nation.

Respectfully,

(SIGNED)

James D. Luby.

Acting Chairman.

1 inclosure

Through the Commissioner
of Indian Affairs.

(Copy)

Refer in reply to the
following:
Lead.
30,000-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

WASHINGTON, June 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Silas W. Moore, for enrollment as a Choctaw citizen.

The commission refused to enroll him.

This applicant's name is not on the Choctaw rolls and it appears that he was never enrolled or recognized as a Choctaw citizen.

It would therefore appear that under the existing law the Commission had no authority to enroll him.

I respectfully recommend that the decision of the commission on this application be approved.

Very respectfully,

Your obedient servant,

A.G. Tanner,

(H.S.S.) P.

Acting commissioner.

D.C. 10432-1902.

DEPARTMENT OF THE INTERIOR.

I.T.D. 3744-1902.

WASHINGTON. June 19, 1902.

I.R.S.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Silas W. Moore as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary. MID

1 inclosure.

COPY.

Chestaw B-161a

Muskogee, Indian Territory, June 30, 1902.

Silas V. Keere,

Canadian, Indian Territory.

Dear Sir:-

You are heroby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Chestaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Chectaw R-191.

Waukegee, Indian Territory, June 30, 1902.

Manafield-McMurray & Cernish,
Attorneys for Chectaw & Chickasaw Nations,
South McAlester, Indian Territory,
Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Silas W. Moore for the enrollment of himself as a citizen of the Chectaw Nation.

Yours truly,

SIGNED: *T. B. Noddies.*

Commissioner in Charge.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

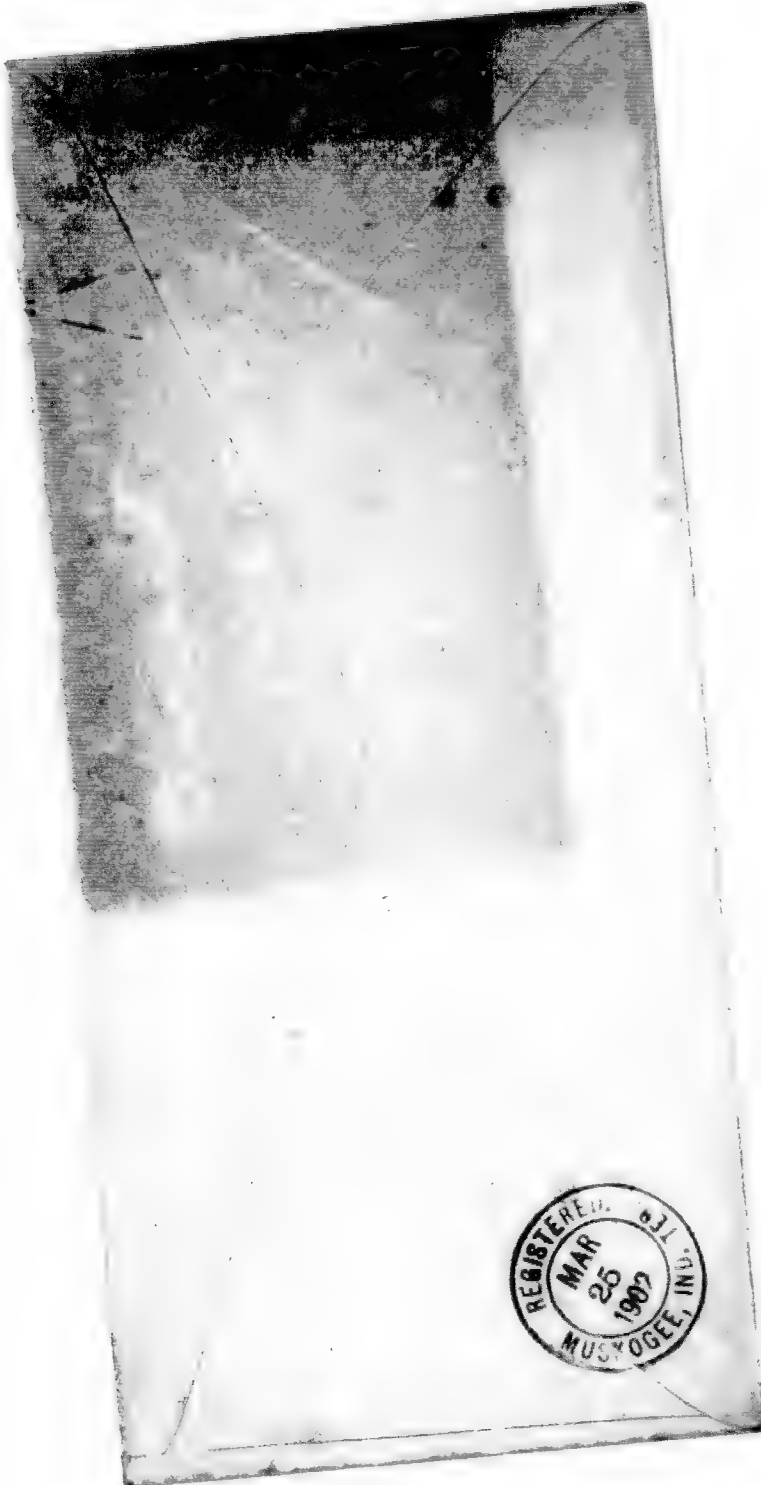
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Silas W. Moore,

Canadian,

Indian Territory.

Reynolds



REGISTERED
MAR 25 1902
MUSKOGEE, IND.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES Choctaw No. R-191.

REFER IN REPLY TO THE FOLLOWING

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Silas W. Moore, for the enrollment)
of himself as a citizen by blood of)
the Choctaw Nation.

To Silas W. Moore,
Canadian, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

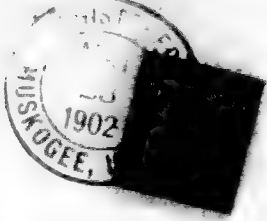
S. W. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

7796

2700

Silas W. Moore
Canadian

J. J.

Unclaimed
Return to Writer
Reg 5

W. O. A.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXIEY.
THOMAS S. NEEDLES.
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 191

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Silas W. Moore,

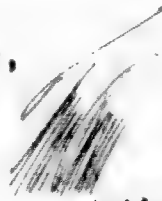
Canadian, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure

Register

USED.

DECISION FORWARDED
APPLICANT

FORWARDED DEPARTMENT

ION APPROVED BY
ETARY OF INTERIOR.

JUN 2

OF DEPARTMENTAL
MAILED APPLICANT.

JUN 30 1902

OF DEPARTMENTAL ACTION
ATTORNEYS FOR CHOCTAW
INDIAN NATIONS.

JUN 30

EMPTY

Choc R193 Area L more

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the application of Nora L. Moore for enrollment as a
Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Nora L. Moore.
Q How old are you? A Nineteen.
Q Have you ever been on the Choctaw rolls? A Not as I know of
Q Have your father and mother ever been on the Choctaw rolls?
A No sir.
Q Were you born and raised in Texas? A No sir.
Q Where were you born and raised? A In the Choctaw Nation.
Q Been here all the while have you? A No, I went to Texas
and lived about a year.
Q When? A It has been nine or ten years ago.

Com'r McKennon: As you are not on the rolls your enrollment
will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify on my official oath as
stenographer to the Enrollment Commission, that this
transcript is a true and correct translation of
my stenographic notes.

M. D. McEna

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nora L. Moore
for the enrollment of herself as a citizen of the Choctaw Nation.

DECISION

The records in this case will show that the applicant appeared before the Commission at Atoka, Indian Territory, at its session thereat beginning August 24, 1899, and ending September 2, 1899, and then and there made personal application for the enrollment for herself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally constituted authorities of the Choctaw Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission in the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stat., 321); neither does it appear that Nora L. Moore has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of Section 21, of the act of June 28, 1898 (30 Stat. 495) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and to that end may have authority to administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898 (30 Stat., 495), in a portion of section 21, provides as follows.


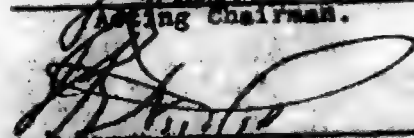

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The act of Congress of May 31, 1900, (31 Stat. 221) in a portion of the second paragraph thereof, provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory, who has not been a recognized member thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Mera L. Moore is not lawfully entitled to be enrolled as a member of the Cheetaw tribe of Indians in Indian Territory, and that her application therefor, should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Washoe, Indian Territory,

MAY 19 1902

Cheotaw R 193

COPY.

Muskogee, Indian Territory, May 19, 1902.

Hansfield, Mc Murray & Cornish,

Attorneys for the Cheotaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Nora L. Moore as a citizen of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James H. McCoy

Acting Chairman.

1 inclosure.

Choctaw # 195

COPY

Muskogee, Indian Territory, May 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Nora L. Moore for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1902, refusing the application for the enrollment of Nora L. Moore as a citizen of said nation.

Respectfully,

(SIGNED)

James E. S. S. S.

Acting Chairman.

1 inclosure

Through the Commissioner of Indian Affairs.

(Copy)

Refer in reply to the
following:
Land.
20860-1982.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 12, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith, the record of proceedings in the matter of the application of Nora L. Moore for enrollment as a Choctaw. The Commission refused enrollment.

From the record it appears that the applicant was never in any way recognized as a Choctaw and was therefore not entitled to enrollment under the provisions of the existing law.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient servant,

A.C. TORNER,

Acting Commissioner.

B. B. B.

L.

B.C. 10421-1902.

Y.

DEPARTMENT OF THE INTERIOR.

WASHINGTON. June 19, 1902.

I.T.D. 3712-1902.

I.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Nora L. Moore as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Chester E - 103

Muskogee, Indian Territory, June 30, 1902

Wesley L. Moore,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw R - 195

Muskogee, Indian Territory, June 30, 1908.

Manfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior,
under date of June 19, 1908, affirmed the decision of the Com-
mission, dated May 19, 1903, refusing the application made by
Mora L. Moore for the enrollment of herself as a citizen of the
Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



William
Nora L. Moore,

Atoka,





COMMISSIONERS
HENRY J. DAWES,
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

4/11/02
REPLY IN REPLY TO THE FOLLOWING

Choctaw No. R-193.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of }
Nora L. Moore, for the enrollment }
of herself as a citizen by blood of }
the Choctaw Nation. }

To Nora L. Moore,

Atoka, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

W. L. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commissioner to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2-5-2
223

RETURN TO WRITER

7794

Nora L. Moore

UNCLAIMED

Atoka

Unknown

J. J.



4114CB

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Choctaw R 193

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Nora L. Moore,

Atoka, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Choctaw nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure

Register

the matter of the application for
enrollment of Nora L. Moore as a
Citizen of the Choctaw Nation.

MAY 19 1902

APPLICANT

MAY 19 1902

MAY 19 1902

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

EMPTY

Choc R195

Francis M. Monks

Denied

R195

Commission to the Five Civilized Tribes,

South of Alator, Indian Ter.

In the application for enrollment of the children of Francis M. Monks as citizens of the Choctaw Nation; he being sworn and examined by Com'r McKennon states:

Q What is your name? A Francis M. Monks.

Q You are a white man? A I suppose I am; I don't know that I am and I don't know that I ain't. I have always been called white, and I suppose I am a white man.

Q You were intermarried with a Choctaw at one time?

A Yes sir, in the year 1858.

Q She died, did you live with her until she died? A Yes sir.

Q Since that time you have married a white woman? A Yes sir in 1861.

Q You have got some children by her? A Yes sir, eight.

Q What is her name? A Lucinda Smith before I married her.

Q What is the oldest child's name? A William C. Monks, thirty-seven years old.

Q Next one? A John W., thirty-two years old.

Q Next? A Henry C. Monks, thirty; Florence Monks, now Mrs. John Jones, twenty-eight years old; Frances V. Monks, twenty-six years old, now the wife of James Hill. James I. Monks, twenty-three years old; Nancy Monks, twenty years old; George W. Monks, eighteen years old.

Q Where are these people living? A In the Choctaw Nation.

Q How long have they been living in the Choctaw Nation? A All the time, only a little while during the War.

Q All of these children have been living here all the while?

A, Yes sir.

Q Did you all apply to the Dawes commission in 1896? A I

Francis M. Monks, ~~for~~ application for his children #2)

applied for myself.

Q Didn't you apply for them? A No sir.

Q Didn't make any application for them? A No sir, John W. Monks made application for himself.

Q He was refused was he? A I don't know what you call it; he was given a white ticket.

Q In 1896 did he apply to the Dawes Commission? A Yes sir, and he was admitted.

(Com'r McKennon refers to roll of those admitted by Dawes Commission and finds name of John Monks as admitted.)

Q Were these people on the rolls of the Choctaw Nation?

A I couldn't say, I suppose they are; we was enrolled at Fort Smith once.

Q When? A At the time all the Choctaw s was enrolled there.

(Com'r McKennon refers to 1896 roll, and finds no Monks there.)

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

Before the United States Dawse Commission to the five civilized Tribes
of Indians

Lucindy Monks, William C Monks, Henry C Monks.

Florence Smith, Frances V Hill, James J Monks,

Nancy A Daniel and George Monks,

Petitioners,

VS

Choctaw Nation.

Application for enrollment,
Respondent.

To the Dawse Commission to the five civilized Tribes of Indians in
the Indian Territory, sitting at Ft, Gibson I. T.

Comes your petitioners Lucindy Monks, and her seven Childre to-wit;
William C Monks, Henry C Monks Florence Smith (Nee Florence Monks),
Francis V Hill (Nee Francis V Monks), James J Monks, Nancy A Daniel
(Nee Nancy A Monks) and George Monks, and for cause of action alleges
and says that in the year of 1861, Lucinda Monks, was legally and
addording to the customs and laws of the Choctaw Nation, and in the
County of Scullyville married to one F. M. monks who was a citizen of
the Choctaw Nation by inter-marriage with a Choctaw woman.

That the said F. M. Monks in the year of 1858, in the said County
of Scullyville in the Choctaw Nation was married to one Susan McGlane,
according to the laws of the Choctaw Nation who was a Choctaw Indian
by blood, and who resided in the Choctaw Nation, and that the said
Indian wife of the said F. M. Monks died in the year of 1860.

Petitioners further states that the said F. M. Monks husband of
the said Lucinda Monks and father of the other Petitioners, filed his
application for citizenship before the Dawse Commission in the Month
of August 1896, and that the said Dawse Commission admitted the said
F. M. Monks to citizenship in the said Choctaw Nation as an inter-
married citizen thereof.

Petitioner Lucinda Monks further alleges and says: That since

her marriage with the said F. M. Monks in the year of 1861, they have born to them the issue of said marriage seven children, whose names are as William C. Monks : Henry C. Monks : Florence Smith Nee Florence Monks : Fancis V. Hill Nee Monks : James J. Monks : Nancey A Daniel Nee Monks : George Monks : That petitioner Lucinda Monks and her said children have been recognized as citizens of the Choctaw Nation, that her children admitted in the Choctaw Free Schools and allowed to participate in the School fund as other Choctaws, and registered on the Choctaw School Rolls and their Schooling paid for by the Choctaw Nation.

That the evidence of the forgoing facts relied upon for enrollment by petitioners are hereto attached and marked exhibits "A" "B" "C" "D" "F" "G", and made a part of this complaint.

Wherefore petitioners prays that they be enrolled as citizens of said Choctaw Nation with all the rights privileges and immunities as are now given or granted to an Indian by blood.

(Signed) Lucindy Monks.

Lucinda Monks one of the above named petitioners states on oath that the above and foregoing facts are true and correct.

(Signed) Lucindy Monks.

Subscribed and sworn to before me on this the 26th day of July 1897.

(Signed) Wm. G. Baird,

(SEAL)

Notary Public.

My Commission expires April 5, 1901.

Cole & Redwine,
Attorneys for Petition,
So. McAlester, I. T.

Ex A

INDIAN TERRITORY
CENTRAL DISTRICT

Before me Wm. G. Baird a Notary Public with in and for the Central District of the Indian Territory, personally appeared before me F. M. Monks, who after being duly sworn deposes and says: That he is a white intermarried citizen of the Choctaw Nation; that in the year 1858, in the County of Skullyville, in the Choctaw Nation, Indian Territory, he was married according to the laws and customs of the Choctaw Nation to one Susan McClane, a member and citizen of the Choctaw Nation, and that said Indian wife died in the year 1860;

Affiant further states that in the year 1861 he was married to his present wife, a white woman, according to the laws and customs of the Choctaw Nation and that they have born to them as the issue of said marriage seven children which are named in plaintiff's application for enrollment; that affiant has always been recognized since said marriage by the citizens and officers of the Choctaw Nation as a member of said Nation; that affiant's children have all been educated at the expense of the Choctaw Nation in their public schools.

Affiant further states that in the year 1896 he filed his application before the Dawes Commission for enrollment as a citizen of the said Choctaw Nation and was duly enrolled as such.

(Signed) F. M. Monks.

Subscribed and sworn to before me this 28th day of July 1897.

(Signed) Wm. G. Baird,

(SEAL)

Notary Public.

My Commission Expires April 5, 1901.

Rx B

Central District
Indian Territory.

Before me C. G. Adkins, a Notary Public within and for the Central District of the Indian Territory, personally appeared John W. Smith, who after being duly sworn, deposes and says: that he is personally acquainted with Lucinda Monks and her seven children namely, William C. Monks, Henry C. Monks, Florence Smith (Nee Monks), Francis V. Hill (Nee Monks), James J. Monks, Nancy A. Daniel, (Nee Monks) and George Monks; that the said Lucinda Monks was married according to the laws and customs of the Choctaw Nation in 1861 to F. M. Monks, a citizen of the Choctaw Nation, and that they had born to them as the issue of said marriage the aboved named children. The said F. M. Monks is a duly recognized citizen of the Choctaw Nation.

(Signed) John W. Smith.

Subscribed and sworn to before me this 31st day of July 1897.

(Signed) C. G. Adkins,

(SEAL)

Notary Public.

My commission expires Jany. 4th 1901.

Ex C.

Central District

Indian Territory.

Before me C. G. Adkins, a Notary Public within and for the Central District of the Indian Territory, personally appeared M. B. Smith, who after being duly sworn, deposes and says: that he is personally acquainted with Lucinda Monks and her seven children namely, William C. Monks, Henry C. Monks, Florence Smith (Nee Monks), Francis V. Hill (Nee Monks), James J. Monks, Nancy A. Daniel, (Nee Monks) and George Monks; that the said Lucinda Monks was married according to the laws and customs of the Choctaw Nation in 1861 to F. M. Monks a citizen of the Choctaw Nation, and that they had born to them as the issue of said marriage the aboved named children. The said F. M. Monks is a duly recognized citizen of the Choctaw Nation.

(Signed) M. B. Smith.

Subscribed and sworn to before me this 31st day of July 1897.

(Signed) C. G. Adkins.

(SEAL)

Notary Public.

My commission expires Jany. 4th 1901.

Ex. D.

CENTRAL DISTRICT
INDIAN TERRITORY

Before me C. G. Adkins, a Notary Public, within and for the Central District of the Indian Territory, personally appeared T. J. Sexton, who after being duly sworn, deposes and says: that he is personally acquainted with Lucinda Monks and her seven children namely, William C Monks, Henry C. Monks, Florence Smith (nee Monks), Francis V. Hill (nee Monks), James J. Monks, Nancy A. Daniel, (nee Monks) and George Monks; that the said Lucinda Monks was married according to the laws and customs of the Choctaw Nation in 1861 to F. M. Monks a citizen of the Choctaw Nation, and that they had born to them as the issue of said marriage the above named children; that said children were educated in the Choctaw freedschools and their schooling paid for by the Choctaw Nation; the said F. M. Monks is a duly recognized citizen of the Choctaw Nation

(Signed) T. J. Sexton.

Subscribed and sworn to before me this 31 day of July 1897.

(Signed) C. G. Adkins,

Notary Public.

(SRAL)

My Commission expires Jany. 4th 1901.

Ex. B.

Central District

Indian Territory

Before me _____, a Notary Public within and for the Central District of the Indian Territory, personally appeared _____, who after being duly sworn, deposes and says: That he is personally acquainted with Lucinda Monks and her seven Children namely, William C. Monks, Henry C. Monks, Florence Smith (nee Monks), Francis V. Hill (nee Monks), James J. Monks, Nancy A. Daniel, (nee Monks), and George Monks, That said children were educated in the Choctaw free schools and their schooling was paid for by the Choctaw Nation. That the said Lucinda Monks is the wife of F. M. Monks, who is a duly recognized citizen of the Choctaw Nation.

Subscribed and sworn to before me this _____ day of July 1897.

Notary Public.

My commission expires _____

Shadypoint I T

I, J T Lippard do hereby certify that the above named children are the heirs of F M Monks & Lucinda Monks, attended my school at Benington as national pupils, & the Choctaw Government paid the tuition the same as the Full Bloods Indians for Several Terms.

(Signed) J. T. Lippard,
Teacher.

Before the United States Commission to the Five tribes.

Sitting at Fort Gibson, I. T.

Lucinda Monks,
Plaintiff

V.s

Proof of Service.

The Choctaw Nation,
Defendant.

Affiant J. W. Black of lawful age being duly sworn deposes and says:

That on the 12th day of August 1897, he was present at the Post Office in the town of South McAlester Indian Territory, and saw a letter registered which was No 112, a receipt of which is hereto attached which letter was addressed to Hon Green McCurtain Principal Chief of the Choctaw Nation, and that he examined the contents of said letter, and that it contained a copy of the application of Lucinda Monks against the Choctaw Nation in the above entitled cause, also the affidavits of F. M. Monks, John W. Smith, M. B. Smith, T. J. Sexton, also the Certificate of J. L. Lippard in support of said claim.

Affiant further says, that he is no way interested in this claim nor in any way related to the parties thereto.

(Signed) J. W. Black.

Subscribed and sworn to before me on this the 13 day of August 1897.

(Signed) C. L. Stealey,

(Registry Receipt Attached.)

Notary Public.

Indorsed:

Lucindy Monks et al

vs
Choctaw Nation

Filed Aug. 24, 1897.

H. M. Jacoby, Sec'y.

Cole & Redwine,
Attorneys for Petitioners.
South McAlester, I. T.

BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED
TRIBES OF INDIANS.

LUCINDA D. MONKS, WM. C. MONKS,
HENRY C. MONKS, FLORENCE SMITH,
FRANCES W. HILL, JAMES J. MONKS,
NANCY A. DANIEL AND GEORGE MONKS, Plaintiffs.
VS
THE CHOCTAW NATION. Defendant.

1st. This defendant, answering for the bona fide citizens of the Choctaw Nation, says that the object and purpose of the petitioners is to have themselves enrolled as Choctaw citizens, that they may thereby acquire a right and interest in the lands of the Choctaw people, and they ought not to have or prosecute their said petition before the Honorable Commission, because the purpose and effect thereof if their said petition should be granted, will be to deprive the Choctaw people of their lands and property, without the due process of law provided for by the Constitution of the United States, and without a trial by jury, as guaranteed by the Constitution and laws of the United States, and because the Choctaw Nation is the true and only judge of its own citizens.

2nd. The defendant, further answering, says that it is not true, as alleged by the petitioners, that F. M. Monks was, in the year 1858, married to one Susanna McLane, according to the law of the Choctaw Nation, or that said Susanna McLane was a Choctaw Indian by blood.

3rd. The defendant, further answering, says that the petitioner, Lucinda Monks, is not a Choctaw Indian by blood, but a white person, who claims to have been married to F. M. Monks, a white person, and not an Indian by blood, and the marriage of these two white persons

is insufficient in law to impart Choctaw citizenship to petitioner,
Lucinda Monks.

4th. The defendant, further answering, says that Wm. C. Monks,
Henry C. Monks, Florence Smith (nee Florence Monks) Frances V. Hill
(nee Frances V. Monks) James J. Monks, Nancy A. Daniel (nee Nancy A.
Monks) and George Monks, are not Indians by blood or adoption, but
are the children of F. M. Monks and Lucinda Monks, two white persons
not possessing or claiming any Indian blood.

Cravens & Cravens,

Attys for Choctaw Nation.

Indorsed:

Lucinda D. Monks
Wm C. Monks
Henry C Monks
Florence Smith
Frances V. Hill
Jas J. Monks
Nancy A. Daniel
and Geo. Monks
vs
Choctaw Nation.

Answer of Choctaw Nation.

Filed Sep. 21, 1897.
H. M. Jacoway, Sec'y.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucinda Monks and her children William C. Monks, Henry C. Monks, Mrs. John Jones, Mrs. James Hill, James I. Monks, Nancy Monks and George A. Monks for enrollment as citizens of the Choctaw Nation, Choctaw Field number R-195.

We hereby request, on behalf of the Choctaw and Chickasaw Nations, that final decision in this case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Joanna Mickle, et al, vs. The Choctaw and Chickasaw Nation, number thirty-seven on the South McAlester Docket, in which the said court will decide the question of whether white persons, the widows or widowers of deceased Choctaw or Chickasaw spouses, can confer rights of citizenship upon white husbands or wives whom they may remarry and upon their white children by them, which question is involved in the case to which this communication refers.

This request is filed under authority granted by the Honorable Secretary of the Interior in his communication to the Commission to the Five Civilized Tribes upon the subject, dated November 18, 1903.

Mansfield, McMurray & Cornish
Attorneys for the Choctaw and Chickasaw Nations.

January 23, 1904.

Indorsed:

Choctaw R-195.

In the matter of the enrollment of Lucinda Monks, and her children, William C., Henry C., Mrs. John Jones, Mrs. James Hill, James S. Monks, Nancy Monks and George W. Monks as citizens of the Choctaw Nation.

Department of the Interior,
Commission to the Five Civilized
Tribes.

Filed Feb. 6, 1904.
Tams Bixby, Chairman.

PROTEST of
Choctaw and Chickasaw Attorneys.

NEW BORN

1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... William H. Monks

as a citizen of

..... Choctaw

Nation.

Approved..... 190...

.....
Commissioner.

Born Sept. 20, 1893.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

R-195.

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of William H. Monks, born on the 20 day of Sept. 1893.
[Here insert name of child]
Name of Father: Henry C. Monks, applicant ~~XXXXX~~ of the Choctaw Nation.
Name of Mother: Cora M. Monks who is Dead a citizen of the U. S. Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: _____
Postoffice: Sutter, Ind. Ter.

Father.

AFFIDAVIT OF ~~MINOR~~.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Henry C. Monks on oath state that I am 36
years of age and a citizen by adoption of the Choctaw Nation;
I was the lawful Husband of Cora M. Monks ~~was a~~
that I am the lawful wife of _____ who ~~is a~~ citizen, by
who are Dead of the U. S. Nation; that a Male child was
[Male or Female]
born to ~~me~~ ^{her} on 20 day of September 1893; that said child has been named
William H. Monks and was living March 4, 1906.

Henry C. Monks

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 28 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Mahlda Miller, a Midwife, on oath state that I
attended on Cora M. Monks wife of Henry C. Monks
on the 20 day of Sept. 1893; that there was born to her on said date a Male
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named William H. Monks.

Mahlda Miller

WITNESSES TO MARK:

G. W. Ward

[Must be Two
Witnesses]

G. Miller

Subscribed and sworn to before me this 28 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Bryant C. Monks

as a citizen of

..... Choctaw Nation.

Approved..... 190.....

.....
Commissioner.

Born Aug. 31, 1896.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Bryant C. Monks, born on the 31 day of Aug. 1896,
(Here insert name of child)
Name of Father: Henry C. Monks, applicant Member of the Choctaw Nation.
Name of Mother: Cora M. Monks a citizen of the U. S. ~~XXXX~~
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF Father

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Henry C. Monks, on oath state that I am 36
years of age and a citizen by adoption of the Choctaw Nation;
was the lawful Husband of Cora M. Monks who is Dead
that I ~~am~~ the lawful wife of her, who is a citizen, by
of the U. S. Nation; that a Male child was
(Male or Female)
born to her on 31 day of August 1896; that said child has been named
Bryant C. Monks, and was living March 4, 1906.

Henry C. Monks

WITNESSES TO MARK:

[Must be Two
Whites]

Subscribed and sworn to before me this 28 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, MaHlda Miller, a Midwife, on oath state that I
attended on Cora M. Monks, wife of Henry C. Monks
on the 31 day of Aug 1896; that there was born to her on said date a Male
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Bryant C. Monks.

MaHlda (her X mark) Miller

WITNESSES TO MARK:

[Must be Two
Whites]

G. W. Ward

G. Miller

Subscribed and sworn to before me this 28 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

NEW BORN

189

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Pearl E. Monks

as a citizen of

Choctaw Nation.

Approved..... 190...

Commissioner.

Born Jan. 15, 1899.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF INDIANS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Pearl E. Monks, born on the 15 day of Jan, 1899.
[Here insert name of child]
Name of Father: Henry C. Monks, applicant a citizen of the Choctaw Nation.
Name of Mother: Cora M. Monks, who is dead a citizen of the U. S. Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

Father
AFFIDAVIT OF

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Henry C. Monks, on oath state that I am 36 years of age and a citizen by adoption of the Choctaw Nation; that I ~~was~~ was the lawful husband of Cora M. Monks, who is dead, who is a citizen, by her of the U. S. Nation; that a Female child was born to her on 15 day of January, 1899; that said child has been named Pearl E. Monks, and was living March 4, 1906.

Henry C. Monks

WITNESSES TO MARK:

[Must be Two
Whites]

Subscribed and sworn to before me this 28 day of May, 1906.

Geo. W. Rodgers

(SEAL)

Notary Public.
My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, MaHida Miller, a Midwife, on oath state that I attended on Cora M. Monks, wife of Henry C. Monks, on the 15 day of Jan, 1899; that there was born to her on said date a Female child; that said child was living March 4, 1906, and is said to have been named Pearl E. Monks.

MaHida (her x mark) Miller

WITNESSES TO MARK:

[Must be Two
Whites]

Subscribed and sworn to before me this 28 day of May, 1906.

Geo. W. Rodgers

(SEAL)

Notary Public.
My Commission Expires Feb. 6th, 1908.

NEW BORN

1906

7-R-195

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

..... Roye G. Monks

as a citizen of

..... Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born April 21, 1905.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 18, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Roy U. Monks, born on the 21 day of April, 1905.
[Here insert name of child]
Name of Father: Henry C. Monks, applicant, a citizen of the Choctaw Nation.
Name of Mother: Minnie Monks, a citizen of the U. S. Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: _____
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Central District. }

I, Minnie Monks, on oath state that I am 26 years of age and a citizen by _____ of the U. S. Nation; that I am the lawful wife of Henry C. Monks, who is a citizen, by adoption _____ of the Choctaw Nation; that a Male child was born to me on 21 day of April, 1905; that said child has been named Roy U. Monks and was living March 4, 1906.

Minnie Monks

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 28 day of May, 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Central District. }

I, Dr. J. J. Hardy, a M. D., on oath state that I attended on Minnie Monks, wife of Henry C. Monks, on the 21 day of April, 1905; that there was born to her on said date a Male child; that said child was living March 4, 1906, and is said to have been named _____

J. J. Hardy, M. D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 28 day of April, 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission expires Feb. 6th, 1908.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Joseph M. Daniels
..... as a citizen of
..... Choctaw Nation.

Approved..... 190...

.....
..... Commissioner.

Born May 3, 1895.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore, I. T.
of all action hereon.
CHOCTAW Received JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Choctaw..... Nation,
of Joseph M. Daniels born on the 5th day of May 1895.
(Here insert name of child)
Name of Father: Albert Daniels a citizen of the U. S. Nation.
Name of Mother: Nancy A. Daniels, applicants citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Nancy Alice Daniels, on oath state that I am 27 years of age and a citizen by adoption of the Choctaw Nation; that I am the lawful wife of Albert Daniels, who is a citizen, by of the U. S. Nation; that a Male child was born to me on 5th day of May 1895; that said child has been named Joseph M. Daniels, and was living March 4, 1906.

Nancy A. Daniels

WITNESSES TO MARK:

[Must be Two Witnesses] James A. Hill

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Lusinda Monks, on oath state that I attended on Nancy A. Daniels, wife of Albert Daniels, on the 5 day of May 1895; that there was born to her on said date a Male child; that said child was living March 4, 1906, and is said to have been named Joseph Daniels.

Lusinda Monks (her x mark)

WITNESSES TO MARK:

[Must be Two Witnesses] James A. Hill
M. M. Monks

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers,

(SEAL)

My Commission Expires Feb. 6th, 1908.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Clara L. Daniels.....
as a citizen of
.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born March 1, 1898.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore,
I. T. of all action hereon

Choctaw

Received

JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Choctaw..... Nation,
of Clara L. Daniels....., born on the 1st..... day of March..... 1898.
(Here insert name of child)
Name of Father:..... Albert Daniels..... a citizen of the..... U. S..... Nation.
Name of Mother:..... Nancy A. Daniels, applicant citizen of the..... Choctaw..... Nation.
Tribal enrollment of father:..... Tribal enrollment of mother:.....
Postoffice:..... Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Central..... District. }

I, Nancy A. Daniels..... on oath state that I am..... 27.....
years of age and a citizen by Adoption..... of the..... Choctaw..... Nation;
that I am the lawful wife of..... Albert Daniels..... who is a citizen, by
..... of the..... U. S..... Nation; that a Female child was
Male or Female
born to me on..... 1st..... day of..... March..... 1898; that said child has been named
Clara L. Daniels..... and was living March 4, 1906.

Nancy A. Daniels

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this..... 26..... day of..... May..... 1906.

Geo. W. Rodgers.....
Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

..... District. }

I,....., on oath state that I
attended on..... wife of.....
on the..... day of..... 1906; that there was born to her on said date a.....
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this..... 26..... day of..... May..... 1906.

Geo. W. Rodgers.....
My Commission Expires
Feb. 6th, 1908.

Whereabouts of Midwife not Known.

Albert Daniels

Nancy A. Daniels

NEW BORN

1906

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Ruth P. Daniels

as a citizen of

..... Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born Sept. 20, 1904.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Choctaw..... Nation,
of Ruth P. Daniels born on the 20..... day of Sept..... 1904.
[Here insert name of child]
Name of Father: Albert Daniels a citizen of the U. S. Nation.
Name of Mother: Nancy A. Daniels, adoption, a citizen of the Choctaw..... Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice..... Sutter, I. T.,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Nancy A. Daniels on oath state that I am 27.....
years of age and a citizen by adoption of the Choctaw..... Nation;
that I am the lawful wife of Albert Daniels who is a citizen, by
..... of the U. S. Nation; that a Female..... child was
born to me on 20..... day of Sept ember..... 1904.; that said child has been named
Ruth P. Daniels and was living March 4, 1906.

Nancy A. Daniels

WITNESSES TO MARK:

[Must be Two]
Witnesses

Subscribed and sworn to before me this 26..... day of May..... 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District. }

I, , a....., on oath state that I
attended on wife of.....
on the day of 1906; that there was born to her on said date a.....
child; that said child was living March 4, 1906, and is said to have been named.....
[Male or Female]

WITNESSES TO MARK:

[Must be Two]
Witnesses

Subscribed and sworn to before me this 26..... day of May..... 1906.

(SEAL)

Geo. W. Rodgers

My Commission Expires Feb. 6th, 1908.

Midwife in Scott Co. Arkansas,
since child was born.
Nancy A. Daniels Albert Daniels,

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Frances M. Monka.....

as a citizen of # 2.

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born July 31, 1885.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

R-195.

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1902.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Chontaw.....Nation,
ofFrancis M. Monks....., born on the 31.....day of Dec.,.....1885.....
(Here insert name of child)
Name of Father:.....William C. Monks, application officer of the.....Choctaw.....Nation.
Name of Mother:.....Arvezena Monks.....a citizen of the.....U. S.,.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....none.....
Postoffice.....Cawdon, Ind. Ter.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central } District.

I,Arvezena Monks....., on oath state that I am.....45.....
years of age and a citizen by.....of the.....U. S.,.....Nation;
that I am the lawful wife of.....William C. Monks, an application.....who is a citizen, by
adoption.....of the.....Choctaw.....Nation; that a.....male.....child was
(Male or Female)
born to me on 31.....day of.....July.....1885.....; that said child has been named
.....Francis M. Monks.....and was living March 4, 1904.

.....Arvezena (her x mark) Monks.....

WITNESSES TO MARK:

[Need be Two Witnesses] }Cora Coombs.....
}Everlene Rodgers.....

Subscribed and sworn to before me this.....29.....day of.....May.....1904.

.....Geo. W. Rodgers.....

(SEAL)

My Commission Expires Feb. 6th, 1908. Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central } District.

I,Martha F. Brantly....., a mid-wife....., on oath state that I
attended onArvezena Monks....., wife of.....William C. Monks.....
on the 31.....day of.....Dec.,.....1885.....; that there was born to her on said date a.....male.....
(Male or Female)
child; that said child was living March 4, 1904, and is said to have been named.....Francis M. Monks.....

WITNESSES TO MARK:

[Need be Two Witnesses] }W. T. Brantly.....
}W. R. Rowman.....

Subscribed and sworn to before me this.....29.....day of.....May.....1904.

.....Geo. W. Rodgers.....

(SEAL)

My Commission Expires Feb. 6th, 1908. Notary Public.

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Fana M. Monks

as a citizen of

..... Choctaw Nation.

Approved..... 190...

.....
Commissioner.

Born July 31, 1887.

Act of Congress approved
April 26, 1906.Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Fana M. Monks born on the 31 day of July 1887
[Here insert name of child]
Name of Father: William C. Monks, applicant, a citizen of the Choctaw Nation.
Name of Mother: Arvezena Monks a citizen of the U. S. Nation.
Tribal enrollment of father: none Tribal enrollment of mother: none
Postoffice: Camrion, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Arvezena Monks on oath state that I am 45 years of age and a citizen by U. S. of the U. S. Nation; that I am the lawful wife of William C. Monks an applicant as adoption of the Choctaw Nation; that a female child was born to me on 31 day of July 1887; that said child has been named Fana M. Monks and was living March 4, 1906.

Arvezena (her x mark) Monks

WITNESSES TO MARK:

[Must be Two] Cora Coombs
Witnesses Everlene Rodgers

Subscribed and sworn to before me this 29 day of May 1906.

Geo. W. Rodgers

(SEAL)

Notary Public
My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, martha F. Brantly, a mid wife, on oath state that I attended on Arvezena Monks wife of William C. Monks on the 31 day of July 1887; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Fana M. Monks.

marthy f. brantly

WITNESSES TO MARK:

[Must be Two] W. T. Brantly
Witnesses W. R. Romines

Subscribed and sworn to before me this 29 day of May 1906.

Geo. W. Rodgers

(SEAL)

Notary Public.
My Commission expires feb. 6th, 1908,

IN RE**Application for Enrollment of****MINON CHILD****Act of Congress Approved
April 26, 1906.**Davis Monks
.....

as a citizen of

Choctaw..... Nation.
.....

Approved..... 190...

.....
Commissioner. ..

Born Nov. 13, 1890.

Act of Congress approved
April 26, 1906.Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 28, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the . . . Choctaw . . . Nation,
of Davis Monks . . . , born on the 13 day of Nov. . . . 1890.
(Here insert name of child)
Name of Father: William C. Monks, applicant citizen of the . . . Choctaw . . . Nation
Name of Mother: Arvezena Monks . . . a citizen of the . . . U. S. . . . Nation.
Tribal enrollment of father: . . . Tribal enrollment of mother: . . .
Postoffice: Camrion, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central } District.

I, Arvezena Monks . . . on oath state that I am . . . 45 . . .
years of age and a citizen by . . . of the . . . U. S. . . . Nation;
that I am the lawful wife of . . . William C. Monks . . . , who is a citizen, by
adoption . . . of the . . . Choctaw . . . Nation; that a Male . . . child was
(Male or Female)
born to me on 13 . . . day of . . . Nov. . . . 1890 . . . that said child has been named
Davis Monks . . . and was living March 4, 1906.

Arvezena (her s mark) Monks

WITNESSES TO MARK:

[Must be Two Witnesses] Cora Coombs . . .
Everlene Rodgers . . .

Subscribed and sworn to before me this 29 . . . day of . . . May . . . 1906.

Geo. W. Rodgers

(SEAL)

My Commission Expires Feb. 6th, 1908.
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, Marthy F. Brantly . . . , on oath state that I
attended on Arvezena Monks . . . , wife of . . . William C. Monks . . .
on the 13 . . . day of . . . Nov. . . . 1884; that there was born to her on said date a Male . . .
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Davis Monks

marthay f. brantly

WITNESSES TO MARK:

[Must be Two Witnesses] V. F. Brantly . . .
V. R. Romines . . .

Subscribed and sworn to before me this 29 . . . day of . . . May . . . 1906

Geo. W. Rodgers

(SEAL)

My Commission Expires Feb. 6th, 1908.
Notary Public

NEW BORN

189

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Jessie Lee Monks

as a citizen of

Choctaw Nation.

Approved..... 190...

Commissioner.

Born April 2, 1898.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon

CHOCTAW

RECEIVED

JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
ofJessie Lee Monks....., born on the 2.....day ofApril.....1898.
[Here insert name of child]
Name of Father:.....William C. Monks, applicant citizen of the.....Choctaw.....Nation.
Name of Mother:.....Arzena Monks.....a citizen of the.....U. S......Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Camrion, Ind. Ter......

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
.....Central.....District. }

I,Arzena Monks.....on oath state that I am.....45.....
years of age and a citizen by.....of the.....U. S......Nation;
that I am the lawful wife of.....William C. Monks....., who is a citizen, by
adoption.....of the.....Choctaw.....Nation; that a.....Female.....child was
[Male or Female]
born to me on.....2.....day of.....April.....1898.; that said child has been named
.....Jessie L. Monks.....and was living March 4, 1906.

.....Arvezena (her x mark) Monks.....

WITNESSES TO MARK:

[Must be Two
Witnesses] {Cora Coombs.....
.....Everlene Rodgers.....

Subscribed and sworn to before me this.....29.....day of.....May1906.

.....Geo. W. Rodgers.....

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
.....District. }

I,Jane Cheely.....Midwife.....on oath state that I
attended onArzena Monks....., wife of.....William C. Monks.....
on the.....2.....day of.....April.....1898.; that there was born to her on said date a.....Female.....
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....Jessie Lee Monks.....
.....Jane Cheely.....

WITNESSES TO MARK:

[Must be Two
Witnesses] {P. L. Cheely.....
.....Lieina Monks.....

Subscribed and sworn to before me this.....29.....day of.....May1906.

.....Geo. W. Rodgers.....

(SEAL)

My Commission Expires Feb. 6th, 1908.

NEW BORN

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Pearl O? Monks

as a citizen of

..... Choctaw

Nation.

Approved..... 190...

.....
Commissioner.

Born April 6, 1901.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
of Pearl O. Monks born on the 6.....day ofApril.....1901
(Here insert name of child)
Name of Father:..... William C. Monks, applicant.....Citizen of the..... Choctaw..... Nation.
Name of Mother:..... Arvezena Monks a citizen of the..... U. S. Nation.
Tribal enrollment of father:..... Tribal enrollment of mother:.....
Postoffice..... Camrion, Ind. Ter.,.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,)
..... Central District.)

I, Arvezena Monks on oath state that I am..... 45
years of age and a citizen by..... of the..... U. S. Nation;
that I am the lawful wife of William C. Monks who is a citizen, by
..... adoption of the..... Choctaw Nation; that a Female child was
born to me on..... 6 day of April 1901; that said child has been named
..... Pearl O. Monks and was living March 4, 1906.

Arvezena (her x mark) Monks.....

WITNESSES TO MARK:

[Must be Two Witnesses] Cora Coombs
..... Everlene Rodgers.....

Subscribed and sworn to before me this..... 29 day of May 1906.

(SEAL)

..... Geo. W. Rodgers
Notary Public
My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,)
..... Central District.)

I, Mahulda Miller a Midwife on oath state that I
attended on Arzena Monks wife of William C. Monks
on the 6 day of April 1901; that there was born to her on said date a Female
child; that said child was living March 4, 1906, and is said to have been named Pearl O. Monks
[Male or Female]

Mahulda Miller.....

WITNESSES TO MARK:

[Must be Two Witnesses] G. W. Ward
..... G. Miller.....

Subscribed and sworn to before me this..... 29 day of May 1906.

(SEAL)

..... Geo. W. Rodgers
Notary Public
My Commission Expires Feb. 6th, 1908.

IN RE**Application for Enrollment of****MINOR CHILD****Act of Congress Approved
April 26, 1906.**

.....Ollie Manks.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Nov. 26, 1902.

**Act of Congress approved
April 26, 1906.**Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

R-195.

JUL 11, 1906.

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 24, 1900.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Choctaw..... Nation,
of Ollie Monks....., born on the 26 day of Nov...... 1902
(Here insert name of child)
Name of Father:..... George W. Monks applicant..... a citizen of the..... Choctaw..... Nation.
Name of Mother:..... Maverene Monks..... a citizen of the..... U. S...... Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice..... Butter, Ind. Ter......

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... Central..... District. }

I, Maverene Monks....., on oath state that I am..... 19.....
years of age and a citizen U. S. of the..... U. S...... XXX;
that I am the lawful wife of..... George W. Monks....., who is a citizen, by
..... adoption..... of the..... Choctaw..... Nation; that a Female..... child was
(Male or Female)
born to me on..... 26..... day of..... November..... 1902; that said child has been named
..... Ollie Monks..... and was living March 4, 1900.

..... Maverene Monks.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this..... 26..... day of..... May..... 1900.

(SEAL)

..... Geo. W. Rodgers.....
My Commission expires Feb. 6th, 1900.
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... Central..... District. }

I, Dr. J. J. Hardy....., a..... M. D......, on oath state that I
attended on Maverene Monks....., wife of..... George W. Monks.....
on the..... 26..... day of..... Nov...... 1902; that there was born to her on said date a..... Female.....
(Male or Female)
child; that said child was living March 4, 1900, and is said to have been named..... Ollie Monks.....

..... J. J. Hardy, M. D......

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this..... 26..... day of..... Nov...... 1900.

(SEAL)

..... Geo. W. Rodgers.....
My Commission expires Feb. 6th, 1900.
Notary Public

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

..... Francis M. Menke.....

as a citizen of

..... Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born May 13, 1905.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1904.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
ofFrancis M. Monks....., born on the 13 day of May 1905.
[Here insert name of child]
Name of Father: Geo. W. Monks, applicant.....a citizen of the.....Choctaw.....Nation.
Name of Mother: Mayrene Monks.....a citizen of the.....U. S.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Butter, Ind. Ter.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I,Mayrene Monks..... on oath state that I am.....19.....
years of age and a citizen by.....of the.....U. S.....Nation;
that I am the lawful wife of.....Geo. W. Monks....., who is a citizen, by
Adoption.....of the.....Choctaw.....Nation; that a Male.....child was
born to me on 13 day of May 1905; that said child has been named
Francis M. Monks..... and was living March 4, 1906.

.....Mayrene Monks.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL)

.....Geo. W. Rodgers.....
Notary Public.
My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I,Dr. J. J. Hardy....., a. M. D....., on oath state that I
attended onMayrene Monks....., wife of.....Geo. W. Monks.....
on the 13 day of May 1906; that there was born to her on said date a Male.....
child; that said child was living March 4, 1906, and is said to have been named.....Francis M. Monks.....

.....J. J. Hardy, M. D.....

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

(SEAL)

.....Geo. W. Rodgers.....
Notary Public.
My Commission Expires Feb. 6th, 1908.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

Joseph F. Smith

as a citizen of

Choctaw

Nation.

Approved..... 190...

Commissioner.

Born Oct. 5, 1892.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the..... Choctaw..... Nation,
of Joseph F. Smith....., born on the 5..... day of Oct..... 1892.
(Here insert name of child)
Name of Father: Thomas Smith..... a citizen of the..... U. S...... Nation.
Name of Mother: Florence L. Jones, applicant citizen of the..... Choctaw..... Nation.
Tribal enrollment of father..... Tribal enrollment of mother.....
Postoffice..... Butter, I. T......

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, (Indian Territory,)
..... Central..... District. }

I, Florence L. Jones..... on oath state that I am..... 36.....
years of age and a citizen by adoption..... of the..... Choctaw..... Nation;
that I am the lawful wife of..... John A. Jones....., who is a citizen, by
..... of the..... U. S...... Nation; that a Male..... child was
(Male or Female)
born to me on..... 5..... day of..... October..... 1892.; that said child has been named
..... Joseph F. Smith..... and was living March 4, 1906.

..... Florence L. Jones (her x mark).....

WITNESSES TO MARK:

[Must be Two] { Cora Coombs.....
Witnesses { W. M. Ware.....

Subscribed and sworn to before me this..... 26..... day of..... May..... 1906.

..... Geo. W. Rodgers.....

(REAL)

My Commission Expires Feb. 28, 1908.
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, (Indian Territory,)
..... Central..... District. }

I,, on oath state that I
attended on..... Florence L. Jones..... wife of.....
on the..... day of..... (that there was born to her on said date a.....
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....

WITNESSES TO MARK:

[Must be Two] { Cora Coombs.....
Witnesses { W. M. Ware.....

Subscribed and sworn to before me this..... 26..... day of..... May..... 1906.

(REAL)

My Commission Expires Feb. 28, 1908.
Notary Public
Physicians of Physician witness, think he is dead.
..... Florence L. Jones (her x mark)

Thomas Smith my first husband are dead.

NEW BORN

190

7-3743

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....John B. Smith.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Feb. 27, 1895.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
T. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of John B. Smith, born on the 27 day of Feb. 1895.
(Here insert name of child)
Name of Father: Thomas Smith a citizen of the Choctaw Nation.
Name of Mother: Florence L. Jones, applicant citizen of the Choctaw Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: _____
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Florence L. Jones on oath state that I am 36 years of age and a citizen by adoption of the Choctaw Nation; that I am the lawful wife of John A. Jones, who is a citizen, by _____ of the U. S. Nation; that a _____ child was born to me on 27 day of February, 1895; that said child has been named John B. Smith, and was living March 4, 1906.

Florence L. Jones (her x mark)

WITNESSES TO MARK:

[Must be Two] Cora Coombs
Witnesses W. M. Ware

Subscribed and sworn to before me this 26 day of May, 1906.

Geo. W. Rodgers

Notary Public.

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
_____ District. }

I, _____, on oath state that I attended on _____ wife of _____ on the _____ day of _____ (that there was born to her on said date a _____ child; that said child was living March 4, 1906, and is said to have been named _____)

WITNESSES TO MARK:

[Must be Two] Cora Coombs
Witnesses W. M. Ware

Subscribed and sworn to before me this 26 day of May, 1906.

(SEAL)

Geo. W. Rodgers

Notary Public.

My Commission Expires Feb. 6th, 1908.

Whereabout of Physician unknown think he is dead.

Florence L. Jones, (her x mark)

Thomas Smith my Husband are dead.

NEW BORN

7-R-195

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Edith Monka.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Jan. 31, 1903.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
of Edith Monks....., born on the 31 day of Jan.....1903.
[Here insert name of child]
Name of Father:.....James I. Monks.....a citizen of the.....Choctaw.....Nation.
Name of Mother:.....Martha M. Monks.....a citizen of the.....U. S.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Sutter, Ind. Ter......

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central.....District. }

I, Martha M. Monks.....on oath state that I am.....28.....
years of age and a citizen by.....of the.....U. S.....Nation;
that I am the lawful wife of.....James I. Monks....., who is a citizen, by
adoption.....of the.....Choctaw.....Nation; that a Female child was
[Male or Female]
born to me on.....31.....day of.....January.....1903; that said child has been named
Edith Monks.....and was living March 4, 1906.

Martha M. Monks

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....26.....day of.....May.....1906.

Geo. W. Rodgers

(SEAL)

My Commission Expires Feb. 6th, 1908.
Notary Public

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central.....District. }

I, Dr. J. J. Hardy....., a.....M. D......, on oath state that I
attended on.....Martha M. Monks....., wife of.....James I. Monks.....
on the.....31.....day of.....Jan.....1903; that there was born to her on said date a.....Female.....
[Male or Female]
child; that said child was living March 4, 1906, and is said to have been named.....Edith Monks.....

J. J. Hardy, M. D.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this.....26.....day of.....May.....1906.

Geo. W. Rodgers

(SEAL)

My Commission Expires Feb. 6th, 1908.
Notary Public

NEW BORN

199

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Zara M. Monks.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Oct. 4, 1905.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

R-195.

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MEMBERS. ACT OF CONGRESS, APPROVED APRIL 20, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Zora M. Monks, born on the 4 day of Oct. 1905
(Here insert name of child)
Name of Father: James I. Monks, applicant citizen of the Choctaw Nation.
Name of Mother: Martha M. Monks a citizen of the U.S. Nation.
Tribal enrollment of father: _____ Tribal enrollment of mother: _____
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Martha M. Monks on oath state that I am 28
years of age and a citizen by _____ of the U. S. Nation;
that I am the lawful wife of James I. Monks who is a citizen, by
adoption of the Choctaw Nation; that a Female child was
(Male or Female)
born to me on 4 day of October 1905; that said child has been named
Zora M. Monks and was living March 4, 1906.

Martha M. Monks

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Dr. J. J. Hardy, a M. D., on oath state that I
attended on Martha M. Monks wife of James I. Monks
on the 4 day of Oct. 1905; that there was born to her on said date a Female
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Zora M. Monks.

J. J. Hardy, M. D.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

IN RE
Application for Enrollment of
MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Walter L. Hill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Sept. 20, 1892.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

Not identified JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the.....Choctaw.....Nation,
ofWalter L. Hill....., born on the 20.....day ofSept.....1892..
(Here insert name of child)
Name of Father;.....J. A. Hill.....a citizen of the.....U. S.....Nation.
Name of Mother:.....Frances V. Hill, applicant, a citizen of the.....Choctaw.....Nation.
Tribal enrollment of father.....Tribal enrollment of mother.....
Postoffice.....Sutter, Ind. Ter.....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Central

District. }

I,Francis V. Hill.....on oath state that I am.....32.....
years of age and a citizen by adoption.....of the.....Choctaw.....Nation;
that I am the lawful wife of.....J. A. Hill....., who is a citizen, by
.....of the.....U. S.....Nation; that a Male.....child, was
(Male or Female)
born to me on 20.....day of September.....1892.; that said child has been named
.....Walter L. Hill.....and was living March 4, 1906.

Frances V. Hill

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26.....day of.....May.....1906.

Geo. W. Rodgers

Notary Public.

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Central

District. }

I,Lusinda Monks.....Midwife....., on oath state that I
attended onFrances V. Hill....., wife of.....J. A. Hill.....
on the 20.....day of.....Sept.....1892.; that there was born to her on said date a Male.....
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named.....Walter L. Hill.....

Lusinda (her x mark) Monks

WITNESSES TO MARK:

[Must be Two
Witnesses]

.....J. I. Monks.....

.....Maverane Monks.....

Subscribed and sworn to before me this 26.....day of.....May.....1906.

Geo. W. Rodgers

Notary Public.

(SEAL)

My Commission Expires Feb. 6th, 1908.

NEW BORN

190

IN RE

Application for Enrollment of

MINDA CHILD

Act of Congress Approved
April 26, 1906.

.....Linnie M. Hill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Feb. 14, 1894.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS. APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Linnie M. Hill, born on the 14 day of Feb. 1894.
(Here insert name of child)
Name of Father: J. A. Hill a citizen of the U. S. Nation.
Name of Mother: Francis V. Hill, applicant a citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Butter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Francis V. Hill on oath state that I am 32
years of age and a citizen by adoption of the Choctaw Nation;
that I am the lawful wife of J. A. Hill, who is a citizen, by
of the U. S. Nation; that a Female child was
(Male or Female)
born to me on 14 day of February 1894; that said child has been named
Linnie M. Hill, and was living March 4, 1906.

Frances V. Hill

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

Notary Public.

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Lusinda Monka a Midwife, on oath state that I
attended on Francis V. Hill wife of J. A. Hill
on the 14 day of Feb. 1894; that there was born to her on said date a Female
(Male or Female)
child; that said child was living March 4, 1906, and is said to have been named Linnie M. Hill.

Lusinda (her x mark) Monka

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of MAY 1906.

Geo. W. Rodgers

Notary Public.

(SEAL)

My Commission Expires Feb. 6th, 1908.

NEW BORN

100

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Macy M. Hill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born June 13, 1898.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.
Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chillion Riley, Ardmore,
I. T. of all action hereon.

CHOCTAW

RECEIVED

JUL 11 1906.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Macy M. Hill, born on the 13 day of June, 1898.
(Here insert name of child)
Name of Father: J. A. Hill a citizen of the U. S. Nation.
Name of Mother: Francis V. Hill, applicant a citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
Central District. }

I, Francis V. Hill on oath state that I am 32 years of age and a citizen by adoption of the Choctaw Nation; that I am the lawful wife of J. A. Hill, who is a citizen, by of the U. S. Nation; that a Female was born to me on 13 day of June, 1898; that said child has been named Macy M. Hill, and was living March 4, 1906.

Frances V. Hill

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May, 1906.

Geo. W. Rodgers

(SEAL)

Notary Public
My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
District. }

I, , on oath state that I attended on , wife of , on the , day of , 1906, that there was born to her on said date a , child; that said child was living March 4, 1906, and is said to have been named .

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May, 1906.

(SEAL)

Midwife moved to Texas since child
borned,
James A. Hill. Frances V. Hill

Geo. W. Rodgers
My Commission Expires Public
Feb. 6th, 1908.

NEW BORN

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved
April 26, 1906.

.....Clarence Hill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner.

Born Feb. 12, 1901.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.

Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon

CHOCTAW

RECEIVED

JUL 11 1906

**DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.**

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1906.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Clarence Hill born on the 12 day of Feb. 1901.
(Here insert name of child)
Name of Father: J. A. Hill a citizen of the U. S. Nation.
Name of Mother: Francis V. Hill, applicant a citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }

Central }

District }

I, Francis V. Hill on oath state that I am 32
years of age and a citizen by adoption of the Choctaw Nation;
that I am the lawful wife of J. A. Hill who is a citizen, by
..... of the U. S. Nation; that a Male child was
Male or Female
born to me on 12 day of February 1901; that said child has been named
..... Clarence Hill and was living March 4, 1906.

Francis V. Hill

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }

Central }

District }

I, Dr. J. J. Hardy a M. D. on oath state that I
attended on Francis V. Hill wife of J. A. Hill
on the 12 day of Feb. 1901; that there was born to her on said date a Male
Male or Female
child; that said child was living March 4, 1906, and is said to have been named Clarence Hill

J. J. Hardy, M. D.

WITNESSES TO MARK:

[Must be Two
Witnesses]

Subscribed and sworn to before me this 26 day of May 1906.

Geo. W. Rodgers

My Commission Expires Feb. 6th, 1908.

(SEAL)

IN RE
Application for Enrollment of

WINDO SMILU

Act of Congress Approved
April 26, 1906.

.....Gracie Hill.....

as a citizen of

.....Choctaw..... Nation.

Approved..... 190...

.....
Commissioner. .

Born Feb. 15, 1903.

Act of Congress approved
April 26, 1906.

Department of the Interior,
Commissioner to the Five
Civilized Tribes.

Filed Aug. 22, 1906.
Tams Bixby, Commissioner.

Notify Chilion Riley, Ardmore,
I. T. of all action hereon.

RECEIVED

JUL 11 1906

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 22, 1900.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Choctaw Nation,
of Gracie Hill, born on the 15 day of Feb., 1903.
(Must insert name of child)
Name of Father: J. A. Hill, a citizen of the U. S. Nation.
Name of Mother: Francis V. Hill, applicant a citizen of the Choctaw Nation.
Tribal enrollment of father: Tribal enrollment of mother:
Postoffice: Sutter, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Francis V. Hill, on oath state that I am 32
years of age and a citizen by adoption of the Choctaw Nation;
that I am the lawful wife of J. A. Hill, who is a citizen, by
of the U. S. Nation; that a Female child was
born to me on 15 day of February, 1903; that said child has been named
Gracie Hill, and was living March 4, 1904.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 26 day of May, 1904.

Geo. W. Rodgers
Notary Public

(SEAL)

My Commission Expires Feb. 6th, 1908.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Central District.

I, Dr. J. J. Hardy, M. D., on oath state that I
attended on Francis V. Hill, wife of J. A. Hill
on the 15 day of Feb., 1903; that there was born to her on said date a Female
child; that said child was living March 4, 1904, and is said to have been named Gracie Hill.

WITNESSES TO MARK:

(Must be Two
Witnesses)

Subscribed and sworn to before me this 26 day of May, 1904.

Geo. W. Rodgers

(SEAL)

My Commission Expires Feb. 6th, 1908.

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

Let the matter of the enrollment of Lucindy A. Monks
as an intermarried citizen of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, Lucindy A. Monks, respectfully asks
that she be enrolled as a citizen by intermarriage of the
Choctaw Nation. Petitioner states that she is the wife of
Francis M. Monks who has been enrolled as a citizen by in-
termarriage of the Choctaw Nation and his enrollment as
such approved by the Honorable, the Secretary of the Inter-
ior.

Petitioner further states that her said husband,
Francis M. Monks was married in the Choctaw Nation on the
20th day of ~~January~~ ^{February} 1858, to a Choctaw by blood and that
he lived with his said Indian wife until her death; that
after the death of his Choctaw wife the said Francis M.
Monks was lawfully married to your petitioner, ^{January 20th}
1861. Petitioner states that under and by virtue of the
thirty eighth article of the treaty of 1866, the said Fran-
cis M. Monks having theretofore married a Choctaw Indian
was thereby made a Choctaw with all the rights and privi-
leges of a Choctaw by blood; that your petitioner claims that
under and by virtue of her marriage to the said Francis M.
Monks he conferred by that marriage the rights of an inter-

married citizen upon your petitioner.

Petitioner further states that she and all of her children were recognized by the tribal authorities of the Choctaw Nation as citizens thereof until the Commission to the Five Civilized Tribes took up their work of the enrollment of the citizens of said nation. Petitioner states that ever since her marriage to the said Francis M. Monks she has resided in the Choctaw Nation continuously and that she has raised a family of eight children, all of whom are now over the age of twenty one years and that separate petitions will be filed for their enrollment.

of late war

Petitioner also states that prior to December 24, 1905, application was made for her enrollment as a citizen by intermarriage of the Choctaw Nation and the records in charge of the Commissioner to the Five Civilized Tribes are hereby referred to in support thereof.

WHEREFORE, your petitioner asks that Lubind, M. Monks be enrolled as an intermarried citizen of the Choctaw Nation.

Wit to mark: Respectfully submitted,

W. H. Farrell
Attorney for petitioner.

Lucindy M. Monks
Petitioner.

William Riley
Attorney for petitioner.
Ardmore, Indian Territory.

Lucindy M. Monks being first duly sworn on oath says that she is acquainted with the allegations contained in above petition and that the same are true and correct.

Subscribed and sworn to before me January 27, 1906.
Lucindy M. Monks
W. H. Farrell

Lucindy M Manks
Choctaw

FEB 7 - 1906

Page 1/3

Fred V. Kinsman being first duly sworn as each says
that he served a certain copy of above petition on Harriette
McMurray & Graham, attorneys for the petitioners; that attached
is registry receipt for said letter in which same was acknowledged
and that the date of the receipt is the date on which same was
mailed.

Fred V. Kinsman

Subscribed and sworn to before me this 21st
day of February, A. D. 1906.

(Seal)

Robert Lee Russell
Notary Public.

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the enrollment of Henry C. Monks and his minor children, William H. Monks, Bryan C. Monks, Pearl E. Monks and Roy U. Monks as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner Henry C. Monks for himself and on behalf of his minor children, William H. Monks, age 12 years, Bryan C. Monks, age 10 years, Pearl E. Monks, age 7 years and Roy U. Monks, age one year, respectfully asks that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that he is the son of Francis H. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation, and that the other petitioners herein, his children, are the grand children and descendants of the said Francis H. Monks, and that all of these petitioners have always, from the date of their birth resided in the Choctaw Nation continuously.

The principal petitioner states that application was made for the enrollment of himself and his three older children, petitioners herein, prior to December 24, 1902, and petitioner asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support thereof; and that as to the application for his minor children, petitioners herein, he is able to, can and will on a hearing produce sufficient testimony that they were included in the application of the principal petitioner.

Henry B. Moore & Co.
Choctaws

FEB 1 - 1906

Wm. H. Moore & Co.

The principal petitioner further states that Roy U. Monks has been born since December 24, 1902, and that for this reason the records will not show any application for the enrollment of this child, nor does petitioner contend that any other application has ever been made for the enrollment of Roy U. Monks prior to this petition.

Principal petitioner states that all of the petitioners herein are entitled to enrollment by virtue of being the children and descendants of the said Francis M. Monks, a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that Henry C. Monks, William R. Monks, Bryan C. Monks, Pearl K. Monks and Roy U. Monks be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Henry C. Monks
Petitioner.

Chilion Riley
Attorney for petitioners,
Ardmore, Indian Territory.

Henry C. Monks being first duly sworn states on oath that he is acquainted with the allegations contained in above and foregoing petition and that the same are true and correct.

Henry C. Monks

Subscribed and sworn to before me this the 29
day of January, A. D. 1906.

(Seal)

Geo. W. Redwine
Notary Public

Fred V. Kinkade being first duly sworn on oath says that he served a carbon copy of above petition, by registered mail on Mansfield, McMurtry & Cornish; that attached Registry Receipt is for letter in which said copy was enclosed and will show the date of service.

Subscribed and sworn to before me this the 30th
day of February, A. D. 1906.

(Seal)

Robert L. Russell

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, Nancy Alice Daniel for herself and on behalf of her minor children, Joseph M. Daniel, age 10 years, Clara L. Daniel, age 7 years and Ruth P. Daniel, age 1 year, respectfully asks that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that she is the daughter of Francis M. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation; that the other petitioners herein, her children, are the grand children and descendants of the said Francis M. Monks; that all of these petitioners have at all times since the date of their birth continuously resided in the Choctaw Nation.

The principal petitioner states that application was made for the enrollment of herself and her two older children to the Commission to the Five Civilized Tribes prior to December 24, 1902, and asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support thereof; that as to the application for her minor children, petitioners herein, she is able to, can, and will, on a hearing produce sufficient testimony to show that they were included in the application of the principal petitioner.

The principal petitioner further states that Ruth P. Daniel has been born subsequent to the date of the application for the enrollment of the principal petitioner

Nancy Alice Daniel et al
Choctaws

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COMMERCIAL

FEB 11

and for that reason the records will now show that any application for the enrollment of Ruth P. Daniel has ever been made; nor does the principal petitioner herein contend that any application for the enrollment of said child has ever been made prior to this petition.

Principal petitioner further states that she and her said children are entitled to enrollment as citizens of the Choctaw Nation by virtue of being the descendants of the said Francis M. Monks a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that Nancy Alice Daniel, Joseph M. Daniel, Clara L. Daniel and Ruth P. Daniel be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Nancy Alice Daniel
Petitioner.

Chilton Riley
Attorney for petitioners,
Armore, Indian Territory.

Nancy Alice Daniel on oath states that she is acquainted with the allegations contained in this petition and that the same are true and correct.

Nancy Alice Daniel

Subscribed and sworn to before me this the 29
day of January, A. D. 1906.

W. W. Holcomb
Notary Public.

Fred V. Kinkade being first duly sworn on oath says that he served a sworn copy of above on Mansfield Holmgray & Cornish, attorneys for the nation, by registered mail; that attached registry receipt is for letter in which said copy was transmitted and that the receipt will show the date of service.

Subscribed and sworn to before me this the 29
day of February, A. D. 1906.

Robert Lee Russell
Notary Public.

7-R-194

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

: : : : : : : : :

In the matter of the enrollment of William C. Monks and his minor children, Francis M. Monks, Fannie M. Monks, David Monks, Jessie L. Monks and Pearl O. Monks, as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, William C. Monks, for himself and on behalf of his minor children, Francis M. Monks, age 20 years, Fannie M. Monks, age 17 years, David Monks, age 15 years, Jessie L. Monks, age 7 years and Pearl O. Monks, age 4 years, respectfully asks that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that he is the son of Francis M. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation and that the other petitioners herein, his children, are the grand children and descendants of the said Francis M. Monks, and that all of these petitioners have always, from the date of their birth resided continuously in the Choctaw Nation.

The principal petitioner states that application was made for the enrollment of himself and his minor children, petitioners herein, prior to December 24, 1902, and petitioner asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support thereof; that as to the application for his minor children, petitioners herein, he is able to, can and will on a hearing produce sufficient testimony that they were included in the enrollment of the principal petitioner.

Wm O Mousketal
Choctaw

COMMERCIAL

FEB 7 - 1906

COMMERCIAL

The principal petitioner herein states that all of your petitioners herein are entitled to enrollment as citizens of the Choctaw Nation by virtue of being the children and descendants of Francis M. Monks a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that William C. Monks, Francis M. Monks, Fannie M. Monks, David Monks, Jessie L. Monks and Pearl O. Monks be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

William C Monks ^{his}
Petitioner.

Chilion Riley
Attorney for petitioner,
Ardmore, Indian Territory.

William C. Monks being first duly sworn on oath says that he is acquainted with the allegations contained in above and foregoing complaint and that the same are true and correct.

William C Monks ^{his}

Subscribed and sworn to before me this the 29th day of January, A. D., 1906.

Seal

Geo W. Adams
Notary Public.

Fred V. Kinkade being first duly sworn on oath says that above and foregoing petition, by carbon copy, was served on Mamfield, Motturray and Cornish, by registered mail; that attached registry receipt is for letter in which same was enclosed and that the date thereof will show the date of service.

Fred V. Kinkade ^{his}

Subscribed and sworn to before me this the 30th day of February, A. D., 1906.

Seal

Robert Lee Russell
Notary Public.

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7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the enrollment of George W. Monks and his minor children, Ollie Monks and Francis M. Monks as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, George W. Monks for himself and on behalf of his minor children, Ollie Monks, age 3 years and Francis M. Monks, age now about one year, respectfully asks that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that he is the son of Francis M. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation, and that the other petitioners herein, his children, are the grand children and descendants of the said Francis M. Monks; that all of these petitioners have always lived since the date of their birth continuously in the Choctaw Nation.

The principal applicant states that application was made for his enrollment prior to December 24, 1902, and petitioner asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support thereof; that the other petitioners herein, his children, were born subsequent to the date of the application for the enrollment of the principal petitioner herein and for this reason the records will not show that any application for their enrollment has ever been made, nor does petitioner contend that any other application has ever been made for the enrollment of the two minor applicants herein prior

to this petition.

The principal petitioner herein states that all of the petitioners herein are entitled to enrollment by reason of being the children and descendants of the said Francis M. Monks a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE your petitioner asks that George W. Monks, Ollie Monks and Francis M. Monks be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

George W. Monks
Petitioner.

Chilion Riley

Attorney for petitioner,

Ardenmore, Indian Territory.

George W. Monks on oath states that he is acquainted with the allegations in above complaint and that the same are in all things true and correct.

George W. Monks

Subscribed and sworn to before me this the 25th day of January, A. D. 1906.

(Hals)

Geo W. Halpin

Notary Public.

Fred V. Kinkade being first duly sworn on oath says that he served a carbon copy of above petition by registered mail on Mansfield, McMurtry & Cornish, attorneys for the nation; that the registry receipt hereto attached is for letter in which the same was enclosed and that it will show the date of service.

Fred V. Kinkade

Subscribed and sworn to before me this the 25th day of February, A. D. 1906.

Robert R. Kinkade
Notary Public.

George W. Mauks et al
Choctaws

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COMMISSIONER

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Wm J Mours
Choctaw

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

FEB 7 - 1905

 COMMISSIONER

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the enrollment of William T. Monks
as a citizen of the Choctaw Nation.

.....

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, William T. Monks, respectfully
states that he is the son of William C. Monks and a grand
son of Francis M. Monks, a duly enrolled and approved cit-
izen by intermarriage of the Choctaw Nation.

Your petitioner further states that he is twenty two
years of age and has resided all of his life in the Choctaw
Nation, Indian Territory; that he claims his right to
enrollment by virtue of being a descendant of the said Fran-
cis M. Monks a duly enrolled and approved citizen of the
Choctaw Nation.

Your petitioner further says that application was
made for his enrollment to the Commission to the Five Civ-
ilized Tribes in the year 1898 and also in the year 1903;
that if the records in charge of the Commissioner to the
Five Civilized Tribes fail to show such fact he is prepar-
ed to submit satisfactory proof that such application for
his enrollment was actually made in the years above speci-
fied.

WHEREFORE, your petitioner asks that William T. Monks
be enrolled as a citizen of the Choctaw Nation.

Respectfully submitted,

William T. Monks

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the enrollment of Florence Jones,
and her two minor children, Joe F. Smith and Johnny B.
Smith as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner, Florence Jones, for herself and on
behalf of her minor children, Joe F. Smith, age 13 years
and Johnny B. Smith, age 10 years, respectfully asks that
they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that she is the
daughter of Francis M. Monks a duly enrolled and approved
citizen by intermarriage of the Choctaw Nation; that the
other petitioners herein are her children, the issue of
her first marriage, and are the grand children of the said
Francis M. Monks; that all of these petitioners have at
all times since the date of their birth resided in the
Choctaw Nation.

The principal petitioner states that application was
made for her enrollment to the Commission to the Five Civil-
ized Tribes and her two children prior to December 24, 1902,
and petitioner asks that the records in charge of the Com-
missioner to the Five Civilized Tribes be referred to in
support thereof; that as for the application for her minor
children, petitioners herein, she is able to, can and will,
on a hearing produce sufficient testimony that they were
included in the application of the principal petitioner.

Florence L Jones et al
Choctaws

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS

FEB 7 - 1908

COMMISSIONER

Principal petitioner states that all of the petitioners herein are entitled to enrollment by virtue of being the descendants of the said Francis M. Monks, a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that Florence L. Jones, Joe F. Smith and Johnny B. Smith be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Florence L. Jones her
Petitioner. mark

Chilson Riley
Attorney for petitioner,
Ardmore, Indian Territory.

Florence L. Jones on oath says that she is acquainted with the allegations contained in above and foregoing petition and that the same are in all things true and correct.

Florence L. Jones her

Subscribed and sworn to before me this the 29
day of January, A. D. 1906.

Geo W. Rodgers
Notary Public.

(Seal)

Fred V. Kinkade being first duly sworn on oath says that he served a carbon copy of above and foregoing petition on Mansfield, McMurray and Cornish, attorneys for the nations, by registered mail; that attached registry receipt is for letter in which same was enclosed and that the receipt will show the date of service.

Fred Kinkade

Subscribed and sworn to before me this the 3rd
day of February, A. D. 1906.

Robert L. Russell
Notary Public.

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the enrollment of James I. Monks and his minor children, Edith Monks and Harry M. Monks as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner James I. Monks for himself and on behalf of his two minor children, Edith Monks, age 2 years and ~~Harry~~^{Sory} M. Monks, age now about one year, respectfully asks that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that he is the son of Francis M. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation; that the other petitioners herein, his children, are the grand children and descendants of the said Francis M. Monks and that all of these petitioners have always since the date of their birth continuously resided in the Choctaw Nation.

The principal petitioner states that application was made for his enrollment to the Commission to the Five Civilized Tribes prior to December 24, 1902, and petitioner asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support of this.

The principal petitioner further states that the other petitioners herein, his minor children, have been born subsequent to the application for the enrollment of the principal applicant herein and for that reason the re-

records will not show that application was made for the enrollment of the minor petitioners herein, nor does petitioner contend that any application for their enrollment prior to this petition has ever been made.

Principal petitioner states that all of your petitioners herein are entitled to enrollment by virtue of being the children and descendants of the said Francis M. Monks a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that James I. Monks, Edith Monks and Barry M. Monks be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

James I. Monks
Petitioner.

Chilton Riley
Attorney for Petitioners,
Ada, Okla., Indian Territory.

James I. Monks on oath states that he is acquainted with the allegations contained in above petition and that the same are in all things true and correct.

James I. Monks

Subscribed and sworn to before me this the 29 day of January, A. D. 1908.

Heber Rodgers
Notary Public.

Seal
Fred V. Kinkade being first duly sworn on oath says that he served a carbon copy of above petition on Mansfield McMurray & Cornish, by registered mail; that attached registry receipt is for letter in which same was transmitted and that said receipt will show the date of service.

Fred V. Kinkade

Subscribed and sworn to before me this the 30 day of February, A. D. 1908.

Robert Lee Russell
Notary Public.

Seal

7-R-195

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the enrollment of Frances V. Hill, nee Monks, and her minor children, Walter L. Hill, Linie M. Hill, Macie M. Hill, Clarence Hill and Gracie Hill as citizens of the Choctaw Nation.

Commissioner to the
Five Civilized Tribes.

Sir:

Your petitioner Frances V. Hill, nee Monks, for herself and on behalf of her minor children, Walter L. Hill, age 13 years, Linie M. Hill, age 11 years, Macie M. Hill, age 7 years, Clarence Hill, age 4 years and Gracie Hill, age 2 years, respectfully ask that they all be enrolled as citizens of the Choctaw Nation.

The principal petitioner states that she is the daughter of Francis M. Monks who is a duly enrolled and approved citizen by intermarriage of the Choctaw Nation, and that the other petitioners herein, her children, are the grand children and descendants of the said Francis M. Monks and that all of these petitioners have always, from the date of their birth resided continuously in the Choctaw Nation.

The principal petitioner states that application was made for the enrollment of herself, and her four older children, petitioners herein, prior to December 24, 1902, and petitioner asks that the records in charge of the Commissioner to the Five Civilized Tribes be referred to in support thereof; that as for the application for her minor children, petitioners hereon, she is able to, can and will

on a hearing produce sufficient testimony that they were included in the application of the principal petitioner.

The principal petitioner further states that Gracie Hill has been born since December 24, 1902, and that for this reason the records will not show any application for the enrollment of this child, nor does petitioner contend that any other application has ever been made for the enrollment of Gracie Hill prior to this petition.

Principal petitioner states that all the petitioners herein are entitled to enrollment by virtue of being the children and descendants of the said Francis M. Monks, a duly enrolled and approved citizen of the Choctaw Nation.

WHEREFORE, your petitioner asks that Frances V. Hill, Walter L. Hill, Linie M. Hill, Macie M. Hill, Clarence Hill, and Gracie Hill be enrolled as citizens of the Choctaw Nation.

Respectfully submitted,

Frances V. Hill
Petitioner.

Chilison Riley,
Attorney for petitioners,
Ardmore, Indian Territory.

Frances V. Hill being sworn on oath states that she is acquainted with the allegations contained in above and foregoing petition; that the same are true and correct.

Frances V. Hill

Subscribed and sworn to before me this the 29
day of January, A. D. 1906.

Geo W. Badgum
Notary Public.

Alley

Fred V. Kishade being first duly sworn on oath says that he served a carbon copy of above petition by register-

Francis V. Hill et al
Choctaws

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF LANDS

1000

FEB 7 - 1906

COMMISSIONER

ed mail on Mansfield, McMurray & Cornish, attorneys for the
nation; that attached registry receipt is for letter in
which same was transmitted and the receipt will show the
date of service.

Fredrick Kinkade

Subscribed and sworn to before me this the 3rd
day of February, A. D. 1906.

(Seal)

(Signed) *Robert L. Russell*
Notary Public.

7-R-195.
O.L.J.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Lucinda (or Lucindy M.) Monks, et al., as citizens of the Choctaw Nation.

DECISION.

It appears from the census card record in this case that in 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Francis M. Monks and his wife, Lucinda Monks, as citizens by intermarriage of the Choctaw Nation, and for the enrollment of their children, William C. Monks, John W. Monks, Henry C. Monks, Florence Jones (formerly Monks), Frances V. Hill (formerly Monks), James I. Monks, Nancy Monks, and George W. Monks, as citizens of the Choctaw Nation.

The applications for the enrollment of Francis M. Monks and John W. Monks have heretofore been determined, their names appearing as numbers 104 and 1185, respectively, upon the final roll of citizens by intermarriage of the Choctaw Nation, the former approved by the Secretary of the Interior on June 13, 1903, and the latter on November 16, 1904, and are, therefore, not included herein. Said applicants acquire their rights to enrollment as citizens by intermarriage of the Choctaw Nation by virtue of having married recognized citizens by blood thereof.

On July 11, 1906, application was made to the Commissioner to the Five Civilized Tribes for the enrollment of William H. Monks, Bryant C. Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels, Clara L. Daniels, Ruth P. Daniels, Francis M. Monks, Fane M. Monks, David Monks, Jessie Lee Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks, Joseph F. Smith, John B. Smith, Edith Monks, Zora M. Monks, Walter L. Hill, Linnie M. Hill, Macy M. Hill, Clarence Hill and Gracie Hill as citizens of the Choctaw Nation, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), all of said applicants being miners.

Under the regulations adopted by the Commissioner to the Five Civilized Tribes January 2, 1906, there were filed on February 27, 1906, by Chilion Riley, attorney at law, Ardmore, Indian Territory, petitions praying for the enrollment of Lucindy M. Monks as a citizen by intermarriage of the Choctaw Nation, and Henry C. Monks, William H. Monks, Bryan C. Monks, Pearl E. Monks, Roy U. Monks, Nancy Alice Daniel (nee Monks), Joseph M. Daniel, Clara L. Daniel, Ruth P. Daniel, William C. Monks, Francis M. Monks, Fannie M. Monks, David Monks, Jessie L. Monks, Pearl O. Monks, George W. Monks, Ollie Monks, Francis M. Monks, William T. Monks, Florence Jones, Joe F. Smith, Johnny B. Smith, James I. Monks, Edith Monks, Zora M. Monks, Frances V. Hill, Walter L. Hill, Linnie M. Hill, Macy M. Hill, Clarence Hill, and Gracie Hill as citizens of said nation.

All of the petitioners herein are identical with the persons for whom application has been made for enrollment as citizens of the Choctaw Nation, with the exception of William T. Monks, an adult,

for whom the records in the possession of this office fail to show that any formal application was ever made.

The record herein further shows that Lucinda Monks claims her right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of her marriage to Francis M. Monks, a white man, whose name appears as number 104 upon the final roll of citizens by intermarriage of the Choctaw Nation, approved by the Secretary of the Interior June 13, 1903; and that all the other applicants herein are white people, and claim their right to enrollment as citizens of the Choctaw Nation by reason of being the children or grandchildren of Francis M. Monks, above mentioned.

I am of the opinion that following the ruling of the Department in the case of Emma McMenamin (I.T.D. 11582-1904), the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that following the ruling of the Department of April 24, 1906 (I.T.D. 4043-1906), in the case of Mary Elizabeth Martin, the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks) and George W. Monks as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

I am further of the opinion that the application and petition for the enrollment of William H. Monks, Bryant G. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fama M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph V. (or Joe V.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Lera M. (or Lery M.) Monks, Walter L. Hill, Linnie W. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill, and Tracie Hill as citizens of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved April 26, 1906 (Public No. 129), as amended by the Act of Congress approved June 21, 1906 (Public No. 258), and it is so ordered.

I am further of the opinion that in view of the decision of the Department of April 24, 1906 (I.T.D. 4048-1906), in the case of Mary Elizabeth Martin, it is immaterial to determine whether or not any application has ever been made for the enrollment of William T. Monks as a citizen of the Choctaw Nation, and that the petition for his enrollment as a citizen of said nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

NOV 14 1906

7-R-195

COPY

Muskogee, Indian Territory, November 13, 1906.

Lucinda Monks,

Sutter, Indian Territory.

Dear Madam :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks) and George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fannie H. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review.

The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tarns Bixby*
Commissioner.

Registered.

Ins. 7-R-193.

7-2-1906.

^{copy}
Muskegee, Indian Territory, November 13, 1906.

Henry C. Monks,

Sutter, Indian Territory.

Dear Sir:

You are hereby notified of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl B. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zera M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Henry C. Hawks---2.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Birby*
Commissioner.

Registered .

7-R-195.

Waskagee, Indian Territory, November 13, 1906.

George W. Monks,

Sutter, Indian Territory.

Dear Sir:

You are hereby notified of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Lora M. (or Lory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Masy M. (or Mavis M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

George W. Hanks---2 .

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

EMILE JAMES BIRBY
Commissioner.

Registered.

7-2-198.

CCF

Muskogee, Indian Territory, November 13, 1906.

William C. Monks,

Cameron, Indian Territory.

Dear Sir:

You are hereby notified of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Eora M. (or Eory M.) Monks, Walter L. Hill, Linnie M. (or Linnie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

William C. Hawks--2.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tama Bibby*
Commissioner

Registered.

7-B-196.

COPY.

Muskogee, Indian Territory, November 13, 1906.

James I. Monks,

Satter, Indian Territory.

Dear Sir:

You are hereby notified of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl H. Monks, Roy U. Monks, Joseph H. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth F. Daniels (or Daniel), Francis H. Monks (1), Fana H. (or Fannie H.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl C. Monks, Ollie Monks, Francis H. Monks (2), Joseph F. (or Joe F.) Smith, John H. (or Johnny B.) Smith, Edith Monks, Lora M. (or Lory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Masie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

James I. Marks-----B

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tame Bixby*
Commissioner.

Registered.

7-R-195

COPY.

Muskogee, Indian Territory, November 13, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir :--

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph H. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Masie M.) Hill, Clarence Hill and Bruce Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review.

The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Jane Blaby*
Commissioner.

Registered.

Incl. 7-B-195.

7-B-198

Muskogee, Indian Territory, November 13, 1906.

Cole & Redwine,

Attorneys at Law,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that the Commissioner to the Five Civilized Tribes, on November 13, 1906, rendered his decision, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe E.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks, as a citizen of said nation.

The decision, with the record of proceedings in the case,
is hereby transmitted to the Secretary of the Interior for review.
The final decision of the Secretary will be made known to you as
soon as this office is informed of the same.

Respectfully,

SIGNED *Jame Dixby*

Commissioner.

Registered.

7-2-198

COPY

Muskogee, Indian Territory, November 13, 1906.

Cravens & Cravens,

Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that the Commissioner to the Five Civilized Tribes on November 13, 1906, rendered his decision denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Fancis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Nora M. (or Co Zery M) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

C. S. C. #2.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Registered.

Tam's Blahy
Commissioner.

7-R-195.

DOF

Muskogee, Indian Territory, November 13, 1906.

Manafield, McNarray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel, Francis M. Monks (1), Fann M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl G. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zery M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the

Manfield, Murray & Corwin—2.

the Choctaw Nation, and the petition for the enrollment of William T. Woods as a citizen of said nation.

The decision with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Tamie Biebr*
Commissioner.

Registered.

Incl. 7-2-193.

McKee, Indian Territory, November 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lucinda M. Monks, et al., as citizens of the Cheataw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Cheataw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Edith P. Daniels (or Daniel), Francis M. Monks (1), Fama M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Lora M. (or Lery M.) Monks, Walter L. Hill, Linnie M. (or Linnie M.) Hill,

Secretary--L.

May H. (or Marie H.) Hill, Clarence Hill and Grace Hill, as
citizens of the Cherokee Nation, and the petition for the enroll-
ment of William T. Hooks as a citizen of said nation.

Respectfully,

Leone
Commissioner.

Encl. 7-B-195.

Through the

Commissioner of Indian Affairs.

11700-1907

DEPARTMENT OF THE INTERIOR,

NMI

WASHINGTON.

I.T.D. 2682, 2672, 2748, 2800 1864-1907.
 3295, 3294, 3334, 3374, 3394, "
 IRS 3394, 3418, 3448, 3458, 3480, "
 3482, 3535, 3545, 3554, 3580, "
 3568, 3570, 3572, 3602, 3608, "
 3600, 3644, 3612, 3682, 3648, "
 4054, 4112, 4116, 4148, 4194, "
 4200, 4230, 4238, 4240, 4248, "
 4256, 4294, 4310, 4312, "

February 24, 1907.

MEMORANDUM.

Commissioner to the Five Civilized Tribes,
 Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases adverse to the applicants are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are enclosed:

Title of Case.	Date of your letter of transmittal.
Joseph E. Collins	June 19, 1906
James D. Burrows, et al.,	June 19, 1906
Fannie E. Falconer, et al.,	June 19, 1906
James Joe Turner	June 19, 1906
Thomas Vapts	December 19, 1906
Lipta Bumpen	November 19, 1906
Sam E. Hancock, et al.,	November 19, 1906
Malay Brewster Coleman et al.,	September 19, 1906
Harry Quinn	October 19, 1906
Marion E. Smith, et al.,	October 19, 1906
Amey Brown Coleman, et al.,	October 19, 1906
Willie Ray Pace, et al.,	October 19, 1906
William Lee Ferguson	October 19, 1906
David Alfred Roberts	October 19, 1906
Andrew J. Clark, et al.,	October 19, 1906
Willie E. Hancock, et al.,	November 19, 1906

Title of Case.

**Date of your
letter of transmittal.**

Overton Martin Bonds, et al.,
John Lee Hunt
Kathleen Lockett
Thomas Rudolph Maslin
Marie Dunagan
William A. Gardner
Sophia C. Harris, et al.,
Jesse Monroe Jones
Martin Cotton et al.,
Maggie Irene Stalow
L. Everett Parke, et al.,
Ella Florence Cochran
Glee Irene Cummings, et al.,
Vildon J. Smith
Jewell Merryman
Jim Matilov, et al.,
Lettie May Hickman, et al.,
Rae Gilbert et al.,
Natalia Florence
Mary Jane Nelson, et al.,
Lee Kock, et al.,
Magnolia Thompson
John Hardy Starling, et al.,
James Maharry Morris, Jr.,
James C. Shaw
Gullie Hagmann, et al.,
Fannie Pearl Douglas, et al.,
Thomas A. Fitzgerald (Jr.)

January 14, 1907
December 20, 1906
January 15, 1907
December 20, 1906
January 15, 1907
December 20, 1906
January 15, 1907
October 4, 1906
November 22, 1906
November 22, 1906
October 2, 1906
December 24, 1906
November 21, 1906
November 21, 1906
December 21, 1906
December 24, 1906
December 21, 1906
June 20, 1906
June 18, 1906
October 20, 1906
November 21, 1906
November 22, 1906
January 14, 1907
November 21, 1906
January 14, 1907
December 21, 1906
December 21, 1906

A copy heretofore and all the papers in the above mentioned cases
have been sent to Indian Office.

Respectfully,

44 inc. and
92 for Ind. Of.

Jesse H. Wilson,
Assistant Secretary.

W. J. H.

(COPY)

Land.
101409-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated November 13, 1906, transmitting the record relative to the application of Lucinda Monks, et al., for enrollment as citizens of the Choctaw Nation.

Lucinda (or Lucindy M.) Monks applied for enrollment as a citizen by intermarriage and for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fann M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.), Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Nora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Marie M.) Hill, Clarence Hill and Gracie Hill and William T. Monks, as citizens of that Nation.

It is shown by the Commissioner's decision that John W. and Francis M. Monks have been enrolled as intermarried citizens of the Choctaw Nation at Nos. 1195 and 104 Choctaw intermarried rolls. He further says that they acquired their right to enrollment by reason of intermarriage with Choctaw citizens in accordance with the laws of the tribe.

On November 13, 1906, he found that the other applicants mentioned herein were not entitled to enrollment.

The record shows that Lucinda Monks claims right to enrollment as a citizen by intermarriage because of her marriage to Francis M. Monks, a white man, whose name appears at 104 of the intermarried Choctaw rolls, and that all of the other applicants are white people and claim their right to enrollment by reason of being children or grand-children of Francis M. Monks.

It appears from the record in the case that application for the enrollment of William T. Monks was not made within the time required by law; in fact, Mr. Bixby says in his decision that from the records in his possession it does not seem that formal application was ever made for his enrollment.

Under the opinion of the Department in the *Nease McKee* case, I.T.D. 11523-1904, the Act of June 21, 1906 (34 Stat. L., 225), and the Department's decision of July 10, 1906, I.T.D. 13423, in the *William Jones Jones* case, the applicants are not entitled to enrollment, and

-3-

the approval of the Commissioner's adverse decision is recommended.

Very respectfully,

C. E. Larrabee,

Acting Commissioner.

SAF-CH.

7-R-195.

Muskogee, Indian Territory, April 8, 1907.

William C. Monks,

Cameron, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by inter-marriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph P. (or Joe P.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Nora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-195.

Muskogee, Indian Territory, April 5, 1907.

George W. Monks,

Sutter, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by inter-marriage of the Choctaw Nation, and the application and petition for the enrollment of William G. Monks, Henry G. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Bery M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

Respectfully,

Geo. T. Rogers.

Acting Commissioner.

7-R-195.

Muskogee, Indian Territory, April 5, 1907.

Henry C. Monks,
Sutter, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant G. (or Bryan G.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth F. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-196.

Muskogee, Indian Territory, April 8, 1907.

Lucinda Monks,

Sutter, Indian Territory.

Dear Madam:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks) and George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fann M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph W. (or Joe W.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter J. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

Respectfully,

Sco. D. Rodgers.

Acting Commissioner.

7-R-195.

Muskogee, Indian Territory, April 5, 1907.

James I. Monks,

Sutter, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth F. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M. Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

7-R-195.

Muskogee, Indian Territory, April 5, 1907.

Chilion Riley,
Attorney at law,
Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Francis V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph E. (or Joe F.) Smith, John E. (or Johnny E.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said Nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

T-R-195.

Muskogee, Indian Territory, April 5, 1907.

Cravens & Cravens,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Maele M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.

Acting Commissioner.

V-R-198.

Muskogee, Indian Territory, April 5, 1907.

Cole & Redwine,

Attorneys at law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F) Smith, John B. (or Johnny B.) Smith, Edith Monks, Lora M. (or Lory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks, as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

7-R-195.

Muskogee, Indian Territory, April 5, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of this office of November 13, 1906, denying the application and petition for the enrollment of Lucinda(or Lucindy M.) Monks, as a citizen by inter-marriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nancy(or Nancy Alice) Daniel(nee Monks), George W. Monks, William H. Monks, Bryant C.(or Bryan C.) Monks, Pearl H. Monks, Roy U. Monks, Joseph M. Daniels(or Daniel), Clara L. Daniels(or Daniel), Ruth P. Daniels (or Daniel, Francis M. Monks (1), Fana M.(or Fannie M.) Monks, Davis(or David) Monks, Jessie Lee(or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F.(or Joe F.) Smith, John B.(or Johnny B.) Smith, Edith Monks, Zora M.(or Zory M.)Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M.(or Macie M.) Hill, Clarence Hill and Gracie Hill, as citizens of the Choctaw Nation, and the petition for the enrollment of William T. Monks as a citizen of said nation.

Respectfully,

Geo. D. Rodgers.
Acting Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

7)R-195.

In the matter of the application for the enrollment of
Lucinda (or Lucindy M.) Menks, et al., as citizens of the Choctaw
Nation.

VOTION AND PROTEST.

Come now your petitioners herein, by and thro' their at-
torney, and respectfully move the Department to vacate, set aside
and hold for naught its decision of February 26, 1907, in the mat-
ter of their enrollment, and as grounds therefor assign the fol-
lowing:

- 1st: That said decision is contrary to the law.
- 2nd: That said decision is contrary to the evidence.
- 3rd: That the Department erred in its findings herein;
that the Department erred in not considering the brief
filed by the attorney for applicants; that the Depart-
ment erred in not referring this case to the Assistant
Attorney General for an opinion as requested by their
attorney.

While the applicants herein are fully aware that the De-
partment at this time has no authority to approve the enrollment
of any person, they respectfully request that said decision be
vacated, set aside and held for naught in order that this case
may be properly presented to the Congress of the United States
at its next session.

This motion is filed under the provisions of section one
of the act of Congress approved April 30, 1906, public No. 126, as
follows:

"..... And no motion to reconsider any citi-
zenship case, in any of said tribes, shall be entertained unless
filed within sixty days after the decision sought to be
reconsidered....."

WHEREFORE the applicants pray that said decision be va-
cated, set aside and held for naught and as they are in duty bound
will ever pray.

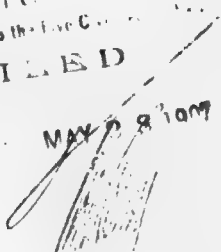
Respectfully submitted,

Attorney for applicants.

DEPARTMENT OF
Commissioner to the Five Civilized Tribes

FILED

MAY 28 1907

A large, stylized handwritten signature, possibly reading "W. H. H.", is written over the date stamp.

Commissioner

McAlester, Indian Territory, May 20, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

November 13, 1906, the Commission to the Five Civilized Tribes rendered a decision denying the application and petition for the enrollment of Luchina Monks and her children William C., John W., Henry C., Mrs. Florence Jones, Mrs. Frances V. Hill, Nancy Monks, James I. Monks and George W. Monks as citizens by blood of the Choctaw Nation, and on February 26, 1907, this action was approved by the Secretary of the Interior.

I now have the honor to inclose herewith motion and protest transmitted by Chilion Riley, Ardmore, Indian Territory, May 20, 1907, for consideration in connection with this case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner.

Choctaw N 195.

DEPARTMENT OF THE INTERIOR,

C. F. L.

WASHINGTON.

I. T. 50550-1907.

June 17, 1907.

Subject:
Motion and protest in enrollment case of Lucinda Monks, et al.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 28, 1907, you transmitted a motion filed in your office on May 28, 1907, by Chilion Riley, attorney for the applicants in the case of Lucinda Monks, et al., applicants for enrollment as citizens of the Choctaw Nation.

The records show that on February 26, 1907, the Department affirmed the decision of the Commissioner to the Five Civilized Tribes of November 13, 1906, denying the application for the enrollment of Lucinda Monks and her children, William G., John W., Henry G., Mrs. Florence Jones, Mrs. Frances V. Hill, Nancy Monks, James I. Monks and George W. Monks, as citizens by blood of the Choctaw Nation.

By the provisions of the Act of April 26, 1906 (34 Stat.L., 137), the rolls of citizens of the Five Civilized Tribes were closed on March 4, 1907. Since that time the Department has had no jurisdiction over any citizenship matter, and is without authority to take action that in any way affects the tribal status of any person

-2-

or applicant for citizenship in any of the Five Civilized Tribes.
The motion is therefore denied. You will so notify the interested parties.

Very respectfully,

George W. Woodruff

Acting Secretary.

EVE -EH

Through the Commissioner
of Indian Affairs.

SVP

30255-1907
7-R-95

Muskogee, Indian Territory, July 13, 1907.

Chilton Riley,
Attorney at Law,
Duncan, Indian Territory.

Dear Sir:

You are hereby advised that on June 17, 1907, the Secretary of the Interior denied the motion submitted by you to reopen and review the application for the enrollment of Lucinda Monks and her children as citizens of the Choctaw Nation.

For your information there is inclosed herewith copy of Departmental letter of June 17, 1907 denying said motion.

Respectfully,

EB 4-13.

Commissioner.

30255-1907
T-R-95

Muskogee, Indian Territory, July 13, 1907.

Lucinda Menks,

Sutter, Indian Territory.

Dear Madam:

You are hereby advised that on June 17, 1907, the Secretary of the Interior denied the motion submitted by Challen Riley, Duncan, Indian Territory to reopen and review the application for the enrollment of yourself and your children as citizens of the Cheetaw Nation.

Respectfully,

Commissioner.

Before the Commission to the five
Civilized Tribes,

Cora Monks Etal. }
vs. Claimants }
The Choctaw Nation, }
Defendants. }

The Claimants in this case are
all white people.

They make their claim through F.M.
Monks who is a duly enrolled citizen.

There is now pending before you
an application for the enrollment
of Henry C. Monks, William Monks,
Nancy A. Daniel, Florence Smith
& T. V. Hill the children of said
F.M. Monks and this application is
for

Cora Monks, who is the wife of said Henry C. Monks

William Monks Jr 4 yrs old } Children of Cora and
Bryant Monks 1 yr old } Henry C. Monks

Arbezina Monks, wife of William Monks

William Monks Jr. age 14 yrs

F.M. Monks Jr " 12 " } Children of Arbezina
Fannie Monks " 10 " } and William Monks
Daniel Monks " 8 " }
Francis Monks " 3 " }

Joseph M. Daniel age 2 yrs. son of Nancy & Daniel

Joseph Smith age 4 yrs } sons of Florence Smith
 John Smith " 2 " }
 Waller Hill age 6 yrs } children of F. V. Hill
 Lucy Hill " 4 " }
 Melvin Hill " 2 " }

The claimants in this case being
 two Daughters in law of F. M. Monks &
 thirteen grand children all claiming
 as Intermarried and descendants of
 Intermarried Citizens.

The evidence in this case we
 think is complete within itself, but
 reference may properly be made
 to the evidence in the case of the
 children of F. M. Monks heretofore
 mentioned.

Respectfully Submitted
 Spaulding & Bagwell
 Attorneys for Claimants
 Pottaw, Ind. Ter.

Indian Territory Central District, SS.
L. C. Spaulding of lawful age
being duly sworn on oath says
that on August 30th 1857 he
did deposit in the post
office at Fort Smith Ind. Ter.
a letter or package directed
to John M. Croshaw P. C.
Choctaw Nation at Sans Bois
Ind. Ter. containing true copies
of all papers in the case
of Croshaw vs the
Choctaw Nation, and that
he caused the said letter
to be registered the receipt
of which is hereto attached
L. C. Spaulding

Subscribed in my presence
and sworn to before me this
30th day of August, 1857.

C. M. Bagwell
Notary Public

Indian Territory }
Central District } ss.

F. M. Monks being duly sworn on oath says that he is 67 years of age, that his Post Office Address is Wilkerson Indian Territory, that he is now and for 39 years last past has been a resident of the Choctaw Nation in the Ind. Ter. That he is a regularly enrolled and recognized citizen of the Choctaw Nation Ind. Ter. That he was by reason of his former lawful marriage with a Choctaw woman duly enrolled by the Commission on the part of the United States to the five Civilized Tribes on _____ 1896 in Case Number _____. That since the death of his Indian wife he was lawfully married to Lucindy Smith a white woman and that as the lawful issue of such marriage there was born to them and is now living in the Choctaw Nation Ind. Ter. the following

named children all of whom
have so resided in the Choctaw
Nation Ind. Ter. ^{all their life time} for more than
three years last past. to wit:
1st A daughter N. A. who
has since married and is
now the lawful wife of Albert
Daniel, a white man.

That my daughter N. A.
Daniel as the lawful issue of
such marriage has living with
her at Shady point, D. one child
J. M. Daniel whose age is 2 years.
2nd A daughter Florence, who
has since married and is
now the lawful wife of Thomas
Smith a white man.

That my said daughter
Florence Smith as the lawful
issue of such marriage has
living with her at Star, D.
two children as follows
Joseph Smith age 4 years
John Smith age 2 years.

3rd A daughter F. V. who has
since married and is now the
lawful wife of James Hill a white man.

That my said daughter F. M. Hill
as the lawful issue of such marriage
has living with her at Wilberton
I.T. three children as follows:

Walter Hill whos age is 6 years
Lynny Hill whos age is 4 years and
Melvin Hill whos age is 2 years.

4th A. Son William Monks
whos Post office Address is
Cartersville, I.T. who has now
living with him his lawfully
wedded wife "A white woman"
^{Antyena}
~~Stacy~~ Monks and five children
the lawful issue of such marriage
as follows:

William Monks Jr. 14 years old

F. M. Monks Jr. 12 years old

Fannie Monks 10 years old

Daniel Monks 8 years old

Francis Monks 3 years old,

5th A Son Henry C. Monks
whos Post office Address is
Shady point, Ind. Ter. who has
now living with him his lawfully
wedded wife Cora Monks and
two children the lawful issue of
such marriage as follows. William Monks Jr.
whos age is 4 years and Bayard Monks whos age is 1 year

J. M. Monks
Subscribed in my presence
And sworn to before me this
26th day of August 1897.

Wm. Baird

Notary Public

My commission expires April 5, 1901

Indian Territory }
Central District } ss.

Lucindy Monks being duly sworn on oath says, that she is 55 years of age, that she is a white woman and is the lawful wife of F. M. Monks that her Post Office address is Witterston Id. That her said husband is a lawfully enrolled citizen of the Choctaw Nation Ind. Ter. having been admitted to citizenship by the Commission to the five Civilized Tribes.

That as the lawful issue of her marriage with F. M. Monks there was born to her the following named children, all of whom now reside and always have resided in the Choctaw Nation Ind. Ter.

1st N. A. now the lawful wife of ^{a white man} Albert Daniel, whose Post Office Address is Shady Point, Id.

That my said daughter N. A. Daniel has living with her as the issue of such marriage one child J. M. Daniel whose age is 2 years.

2nd A daughter Florence now
the lawful wife of Thomas Smith
"a white man" whose Post office
address is, Star, Ia.

That my said daughter
Florence Smith now has living
with her the issue of such marriage
2 children as follows. Joseph Smith
age 4 years and John Smith age
2 years.

3rd A daughter F. V. now
the lawful wife of James Hill
"a white man" whose Post office
address is Wilburton Ia.

That my said daughter
F. V. Hill as the issue of such
marriage has living with her
3 children as follows. Walter Hill
age 6 years - Lyney Hill age 4 years
and Melvin Hill age 2 years.

4th A son William Monks
whose Post office address is
Carlinville, Incl. Mo. and
who has living with him his
lawfully wedded wife
~~Arzula~~ Monks and their 5 children
the issue of such marriage as

follow. William Monks Jr age 14 years
F. M. Monks Jr age 12 years
Femin Monks age 10 years
Daniel Monks age 8 years
Francis Monks age 3 years.
5th a son Henry C. Monks
whose Post Office address is
Shady point, Ind. Ter. who has
now living with him his lawfully
wedded wife Cora Monks and
two children the name of such
marriage as follows: William
Monks Jr. age 4 years and
Bryant Monks age 1 year.

Lucinda ^{Henry} Monks

Subscribed in my presence
and sworn to before me this
26th day of August 1897.

Wm. Baird

Notary Public

My Commission Expires April 5-7901

Indian Territory }
Central District } 88

Cora Monks being
duly sworn on her oath
states that she is 23 years
old ^{and is a white woman} and her Postoffice
address is Shady Point
Ind. Ter. That on the 2nd day
of December 1892 she was
lawfully married to Henry
C. Monks, a son of H. M. Monks
who is a regularly enrolled
Citizen of the Choctaw Nation
Ind. Ter. That as the lawful
issue of such Marriage
she now has living with
her two children, William
Monks Jr age 4 years and
Bryant Monks age 1 year.

That by reason of such
marriage she claims Citizenship
in the Choctaw Nation Ind. Ter.
for herself and her two
children Cora Monks

Subscribed in my presence and
sworn to before me this 24th
day of August - 1897

C. M. Bagwell
Notary Public

Indian Territory }
Central District } ss. Henry C. Monks
being duly sworn on oath says:
That his Post Office Address is
Sheddy point, Ind. Ter. That he is
27 years old, That he is a son
of F. M. Monks and Lucindy Monks of
Wilburton I.T. that his father F. M. Monks
is and for many years has been a
recognized Citizen of the Choctaw
Nation I.T. and was duly enrolled
as such by the Dawes Commission.
That affiant has resided all his
life in the Choctaw Nation and has
living with him his lawfully wedded
wife Cora Monks, ^{a white woman} and two children
the lawful issue of such marriage
as follows: William Monks Jr. age 4
years. and Bryant Monks age 1
year. That affiant claims Citi-
zen-ship for himself, his wife and
two children he being a son of a
lawful Citizen of the Choctaw Nation I.T.

Henry C. Monks
Subscribed in my presence and
sworn to before me this 21st day of
Aug. 1897.
L. M. Bagwell
Notary Public

Marriage License.

State of Arkansas County of Sebastian
To any person authorized by law
to Solemnize Marriage-- Greeting:
You are hereby commanded to Solemnize the rite and publish the bans of Matrimony between Mr Henry
C Monks- in the County of Scullyville
and State of Ind. Ter. Aged 22 years
And Miss. Cara, Cheely - in the
County of Scullyville and State of
Ind. Ter. Aged 18 years, according
to the law, and do you Officially
sign and return this License,
to the parties herein named.

Witness my hand and
official seal this 2nd day of
December 1892

C. H. Howe
County Clerk
By R. B. Rutherford D. C.

Certificate of Marriage.

State of Arkansas County
of Sebastian. I, P. G. Satterfield
do hereby certify that on the
2 day of December 1892 I did,
lawfully and according to law, as Commanded
in the foregoing License, solemnize

to read and publish the same of
Matrimony between the parties
hereto named.

Witness my hand this 2 day of
December 1892.

My credentials as named J. H. S. Allingfield
in Records Office of said County Ark.

Certificate of Record

State of Arkansas }

County of Sebastian }

J. C. H. Hoot Chok of the
Co. Court, and ex-officio Clerk of the County
Court, and Recorder of said County certify that

the above License for and Certificate of Marriage
of Henry C. Hoot and Cora Chok were on
the 2 day of Dec 1892 filed in my office, and
the same are now duly recorded on page
145 of Book E. of Marriage Records.

Witness my hand and the seal of said County,

this 2 day of December 1892

Seal

By Henry Hoot DC

I hereby certify the foregoing to be a true copy of
the original certificate now in my hands
Aug. 28th 1892

C. M. Bagwell
Notary Public.

Indian Territory }
 Central District }^{33.} William Monks
 being duly sworn on oath says that
 his Post Office Address is Cantonville
 in the Choctaw Nation, Ind. Ter. That he
 is 37 years old, that he is a son
 of F. M. Monks and Lucindy Monks of
 Wilberton, I. T. That his father F. M.
 Monks is and for many years has
 been a recognized Citizen of the Choctaw
 Nation Ind. Ter. and was duly enrolled
 as such by the Dawes Commission, that
 affiant has resided all his life in
 the Choctaw Nation, Ind. Ter. That he
 has now residing with him his
 lawfully wedded wife ^{estrogena} Ant Monks
 and 5 children the lawful issue of
 such marriage as follows: William Monks
 Jr. Age 14 years - F. M. Monks Jr. Age 12 years
 Fannie Monks age 10 years - Daniel Monks age 8
 years and Francis Monks age 3 years.

That affiant is a son of a regularly
 enrolled citizen of the Choctaw Nation
 namely F. M. Monks, and as such claims
 citizenship for himself his wife and
 his 5 children heretofore named.

witness
 J. N. Bonnell
 W. R. D. D. D.

William Monks
 estrogena Monks
 Subscribed in my presence

and sworn to before me this
18 day of August 1897.

J. H. Shaw

Notary Public

My Commission Expires Jan 1
1901

Indian Territory }
 Central District } ss. Florence Smith
 being duly sworn on her oath
 says: That her Post Office Address
 is Star, in the Choctaw Nation
 Ind. Ter. That she is 28 years of
 age and now resides and has
 all her life resided in the
 Choctaw Nation, Ind. Ter. that she
 is a daughter of F. M. Munks and
 Lucindy Munks, that her father
 F. M. Munks is a regularly enrolled
 citizen of the Choctaw Nation Ind. Ter.
 That she is the lawfully wedded
 wife and living with Thomas
 Smith "a white man" that as the
 lawful issue of such marriage she
 has two children - Joseph Smith age
 4 years and John Smith age 2 years.
 That she claims citizenship for herself
 and her said two children, she being
 the child of F. M. Munk a citizen of the
 Choctaw Nation, Ind. Ter.

Witness

S. J. Lloyd

Given } Florence + Thomas Smith
 married
 Subscribed in my presence and
 sworn to before me this 28 day of Aug 1892

J. D. Shanley
 Notary Public

Flarence Smith
V8- etal
Choctaw Nation

Indian Territory }
Central District } ss.

Nancy A Daniel being duly sworn on oath says: that her Post office address is Shady-point, Ind. Ter. That she is 18 years old, that she was born and has always resided in the Choctaw Nation Ind. Ter. That she is the daughter of F. M. Monks and Lucindy Monks, That her father F. M. Monks is a duly enrolled citizen of the Choctaw Nation Ind. Ter. That she is the lawfully wedded wife of Albert Daniel "a white man" That as the lawful issue of such marriage she has one child Joseph M Daniel whose age is two years.

That she claim citizenship for herself and her child she bring the child of F. M. Monks a citizen of the Choctaw Nation Ind. Ter.

Macey Alice Daniel

Subscribed in my presence and sworn to before me this 24 day of August 1897.

W. M. Bagwell N. P.

Indian Territory } 38
Central District }

J M. Boegman being duly sworn on his oath states that he is acquainted with Henry C. Monk and knows him to be a son of F. M. Monks have known F. M. Monks for about twenty three years and for four years of the time, lived on a joining farm to him, That F. M. Monks has been recognized as a citizen of the Choctaw Nation during the time that he has known him, and that he now is an enrolled citizen of the Choctaw Nation - Affiant further states that during all the time that he has known F. M. Monks and his family that they have resided in the Choctaw Nation Ind. Ter. and that Henry C. Monks his wife, Cara Monks and their two children now live near Shady Point Ind. Ter.

and within one mile of
where affiant now resides

That he is in no way
related to any of the
parties and are not interest-
ed in their claim for
Citizenship -

Affiant further states
that he is acquainted with
William Monks, Nancy a Daniel
Florence Smith and T. V. Hill
and that they are all children
of F. W. Monk and Lucindy Monk
his wife -

JMR ody M W
Subscribed in my presence
and sworn to before
me this 24th day of August 1897
to W. Bagwell,
Notary Public

Indian Territory }
Central District } ss. J. M. Shepherd
of lawful age being duly sworn
on his oath says, that his post
office address is Shady Point, Ind.
Tn. That he is well acquainted
with Henry C. Monks of Shady Point I.T.
who is a son of F. M. and Lucindy Monks
of Wilberforce I.T. that said Henry C. Monks
is lawfully married to a white woman
Cora Monks and as the issue of such
marriage they have two children,
And with William C. Monks whose post
office address is Star Indian
Territory and is a son of said
F. M. and Lucindy Monks, that he is
lawfully married to a white woman
Arbryna Monks and as the lawful
issue of such marriage they have
living five children,
Or with Nancy & Daniel who is
a daughter of said F. M. and Lucinda
Monks and is lawfully married to
a white man Albert Daniel and as
the issue of such marriage she
has one child that she resides at
Shady Point I.T.

Orwell Florence Smith who resides
at Star, Ind. Ter. and is a
daughter of F. M. and Lucindy Marks
and is lawfully married ^{to a white man} to Thomas
Smith, and as the issue of such
marriage has two children
① with T. V. Hill who is a
daughter of F. M. and Lucindy
Marks and resides at Withrow
Ind. Ter. and is lawfully married
to James Hill a white man and
as the issue of such marriage
has three children.

That I have been acquainted
with all of the parties heretofore
named for about 8 years.

That F. M. Marks is and always has
been known and recognized as
a Choctaw Citizen.

That all of the aforesaid parties
are now and for 8 years have been
actual residents of the Choctaw Nation
Ind. Ter. That the aforesaid parties are all white
people by blood. That I am not related to any
of said parties. J. M. Shepherd

Subscribed in my presence and sworn to
before me this 8th day of August 1897.

C. M. Bagwell
Notary Public

Application for
Citizenship in the
Choctaw Nation

3
Cora Monks

William Monks Jr.

Bryant Monks

P.O. Shady Point, I.T.

Arbyene Monks

William Monks Jr.

F. M. Monks Jr.

Fannie Monks

Daniel Monks

Francis Monks

P.O. Cantonville, I.T.

Joseph M. Daniel

P.O. Shady Point, I.T.

Joseph Smith

John Smith

P.O. Star, I.T.

Walter Hill

Lyney Hill

Melvin Hill

P.O. Wilberton, I.T.

FILED

OCT 16 1897

E. A. [Signature]

filed in 7R 195
11/28/06

Spaulding & Bagwell
Attorneys
Pohaw, I.T.

Muskogee, Indian Territory, June 11, 1901.

Mr. John London,

Attorney at law,

Poteau, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 27th, in which you desire to be advised if John W. Monks has been listed for enrollment by this Commission as a citizen of the Choctaw Nation; also if any application has been made to the Commission for the enrollment of W. O., R. S., and J. I. Monks, as citizens of the Choctaw Nation, and if not whether it will be possible for them to be heard by the Commission at this time at its office in Muskogee.

Replying to your letter the Commission has to inform you that the only persons that we have by the name of Monks upon our records are as follows: John W. Monks, 32 years of age, of Shadybent, Indian Territory, on June 8, 1900, and Fisher, Indian Territory, made application to this Commission for enrollment as a citizen by intermarriage of the Choctaw Nation. The Commission has not, up to this time, rendered any final decision as to the rights of this applicant for enrollment, and it will probably be sometime until such decision has been rendered. Pending the final disposition of these cases.

be placed upon the doubtful list of applicants to enrollment as citizens of the Chectaw Nation.

At Wister, Indian Territory, on the same date, Francis M. Monks, 70 years of age, made application to this Commission for the enrollment of himself and his wife and his eight children as citizens of the Chectaw Nation. The Commission at that time listed for enrollment as a citizen by intermarriage of the Chectaw Nation Francis M. Monks, he having been admitted to such citizenship by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10, 1898.

The enrollment of Mr. Monks's wife, Lucinda, and their eight children, William G., Henry G. Monks, Mrs. John James, Mrs. James Hill, and James I. Huley and George W. Monks, was refused for the reason that their names were not found upon any of the tribal rolls of the Chectaw Nation in possession of the Commission, nor had they ever been admitted to citizenship in the Chectaw Nation by either the Chectaw tribal authorities, the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898, or by the United States Court in the Indian Territory on appeal.

It appears from the evidence in this case that the claims of Francis M. Monks' wife and children to enrollment was by virtue of the father's citizenship, she was only a citizen by intermarriage, and Lucinda Monks, his wife, being a white

Sutter ind Territory

2 - 9 -1903

To The Hon T. B. Hedles Muskoggee I. T.

Dear Sir you will cindly advise me if my clame for citison Has Win
Past on if Not you will cindly give it a Hearing in Time To give me
a chance to apeal to the citisonship comision at South Heallister as
I Dont Wish to Bea Beat By Tecanically I Married F M Moonks a citison
By Mareg the 20 of January 1861 and Was inrold at Ft smith as a Loyl
Choctaw in 1864 I was Inrold agin with 2 of my children in 1866 and
Drew Tools Rashens and clothing from the Choctaws to go to farming
after the War I think I am intitled to share with the rest of Inter-
mared citisons as I Have Rassed a famley Children Part of Which My
Husband children that He Had when I married Him Was Indians by Blood
But my one was whiate and I Havent Done eny thing to forfeit my Rite
sence I mared to F M Moonks 42 years ago I onley ast to Bea treated
as others of my clas that come in Befour the Treaty of 1866 I humble
Pray that you will cindly advise Me By Return Male or at your Erleyes
Convenience Please find Return envelot with my adres

Yours Most Respeful

Lucindy Moonks

Wife of F. M. Moonks.

CO. 11.

1. *Chlorophyll a* (Chl *a*)
 2. *Chlorophyll b* (Chl *b*)
 3. *Chlorophyll c* (Chl *c*)
 4. *Chlorophyll d* (Chl *d*)
 5. *Chlorophyll e* (Chl *e*)
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 131. *Chlorophyll ayz* (Chl *ayz*)
 132. *Chlorophyll ayz* (Chl *ayz*

Choctaw 2288
Choctaw #198

Muskogee, Indian Territory, February 16, 1903.

Lucinda Monk,

Sutter, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of February 9, asking the status of your claim to enrollment in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for the enrollment of yourself and your children as citizens of the Choctaw Nation. No decision nor opinion has yet been rendered relative to your final right to enrollment. As soon as a decision is reached in your case you will be duly notified of the action of the Commission.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory July 18, 1903.

Lusindy Moonks,

Sutter, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of July 14, in which you ask when a hearing will be had in your case.

In reply to your letter you are informed that it appears from our records that you are an applicant to this Commission for the enrollment of yourself and your child in the Choctaw Nation and your final rights to such enrollment have not yet been determined. It is impossible at this time to state when your case will receive consideration but as soon as a decision is reached you will be notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

Chester R 196

Muskogee, Indian Territory, March 13, 1903.

Lusindy Monks,

Sutter, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of March 6, 1903, in which you ask if it is necessary for you to appear before the Commission at its appointment at Ateka, Indian Territory, in order to be registered.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for the enrollment of yourself and your children as citizens of the Choctaw Nation. It further appears that there is sufficient evidence already filed in this case upon which to render a decision, and as soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

Chairman.

Chectaw H 195.

Muskogee, Indian Territory, February 10, 1904.

Lucinda Monks,

Sutter,, Indian Territory.

Dear Madam:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of your self and children William C. Monks, Henry C. Monks, Mrs. John Jones, Mrs. James Hill, James I. Monks, Nancy Monks and George A. Monks as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, May 8, 1905.

Insindy Wenke,

Sutter, Indian Territory.

Dear madam:

Receipt is hereby acknowledged of your letter of May 1, 1905, asking for a hearing in the matter of your citizenship.

In reply to your letter you are advised that when a decision is reached in the matter of the application for the enrollment of yourself and your children as citizens of the Choctaw Nation you will be duly advised.

The letter inclosed with your communication is herewith returned.

Respectfully,

EH 2-6

Commissioner in Charge.

Muskogee, Indian Territory, November 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Lucinda M. Monks, et al., as citizens of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated November 13, 1906, denying the application and petition for the enrollment of Lucinda (or Lucindy M.) Monks, as a citizen by intermarriage of the Choctaw Nation, and the application and petition for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Nanny (or Nancy Alice) Daniel (nee Monks), George W. Monks, William M. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth F. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.) Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Lora M. (or Lory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill,

Mary M. (or Marie M.) Hill, Clarence Hill and Gracie Hill, as
citizens of the Choctaw Nation, and the petition for the enroll-
ment of William T. Marks as a citizen of said nation.

Respectfully,

Wm. P. Hill
Commissioner.

Incl. 7-R-196.

Through the

Commissioner of Indian Affairs.

D.C. 11790-1907

DEPARTMENT OF THE INTERIOR.

FILE

WASHINGTON.

I.T.D. 2632, 2672, 2740, 2960 3264-1907.
 3296, 3304, 3336, 3374, 3384, "
 3394, 3418, 3446, 3452, 3450, "
 IRS 3482, 3530, 3546, 3554, 3560, "
 3568, 3570, 3572, 3602, 3652, "
 3680, 3694, 3912, 3982, 4042, "
 4054, 4112, 4116, 4148, 4194, "
 4200, 4230, 4238, 4240, 4242, "
 4256, 4294, 4310, 4312, "

February 26, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
 Muskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw citizenship cases
 adverse to the applicants are hereby affirmed. Copies of Indian Office
 letters submitting your reports and recommending that the decisions
 be affirmed are enclosed:

Title of Case.

Date of your
letter of transmittal.

Joseph H. Collins
 James H. Burnes, et al.,
 Fannie M. Falconer, et al.,
 Jesse Joe Turner
 Thomas Woods
 Lieta Benson
 Amy M. Hancock, et al.,
 Daisy Crockett Coleman et al.,
 Harry Gulesu
 Lucinda M. Wenks, et al.,
 Agnes Irene Coleman, et al.,
 Lillie May Pate, et al.,
 Ruth Ann Ferguson,
 David Adeline Goforth
 Andrew J. Gilar, et al.,
 Nellie C. Klabaly, et al.,

June 19, 1906
 June 19, 1906
 June 19, 1906
 June 19, 1906
 December 19, 1906
 November 5, 1906
 November 15, 1906
 September 28, 1906
 October 2, 1906
 November 13, 1906
 December 20, 1906
 December 20, 1906
 December 20, 1906
 December 20, 1906
 November 13, 1906
 November 14, 1906

Title of Case.

Date of your
letter of transmittal.

Overton Martin Bonds, et al.,
John Lee Hunt
Kathleen Leckett
Thomas Rudolph Maslin
Maudie Dunagan
William A. Gardner
Sophia G. Harris, et al.,
Jesse Monroe Jones
Bertie Cotten et al.,
Maggie Irene Staloup
L. Everett Parks, et al.,
Ella Florence Cochran
Glee Irene Cummings, et al.,
Tilden J. Smith
Jewell Merryman
Jim Gentilew, et al.,
Lottie May Hickman, et al.,
Rue Colbert et al.,
Matilda Florence
Mary Jane Pulson, et al.,
Lee Keck, et al.,
Magnolia Thompson
John Hardy Sterling, et al.,
James Maherry Morse, Jr.,
James G. Shaw
Callie Haglowan, et al.,
Fannie Pearl Beagles, et al.,
Thomas A. Fitzgerald (Jr.)

January 14, 1907
December 20, 1906
January 12, 1907
December 20, 1906
January 12, 1907
December 20, 1906
December 20, 1906
January 12, 1907
October 4, 1906
November 12, 1906
November 22, 1906
October 2, 1906
December 16, 1906
November 21, 1906
November 21, 1906
December 21, 1906
December 24, 1906
December 21, 1906
June 20, 1906
June 18, 1906
October 20, 1906
November 21, 1906
November 23, 1906
January 16, 1907
November 21, 1906
January 16, 1907
December 21, 1906
December 21, 1906

A copy hereof and all the papers in the above mentioned cases
have been sent to Indian Office.

Respectfully,

44 inc. and
92 for Ind. Of.

Jesse H. Wilson,
Assistant Secretary.

A. J. Hg.
1-17-07.

(COPY)
DEPARTMENT OF THE INTERIOR,

Land
101409-1906.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 14, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes dated November 13, 1906, transmitting the record relative to the application of Lucinda Monks, et al, for enrollment as citizens of the Choctaw Nation.

Lucinda (or Lucindy M.) Monks applied for enrollment as a citizen by intermarried and for the enrollment of William C. Monks, Henry C. Monks, Florence Jones, Frances V. Hill, James I. Monks, Fanny (or Nancy Alice) Daniel (nee Monks), George W. Monks, William H. Monks, Bryant C. (or Bryan C.) Monks, Pearl E. Monks, Roy U. Monks, Joseph M. Daniels (or Daniel), Clara L. Daniels (or Daniel), Ruth P. Daniels (or Daniel), Francis M. Monks (1), Fana M. (or Fannie M.) Monks, Davis (or David) Monks, Jessie Lee (or Jessie L.), Monks, Pearl O. Monks, Ollie Monks, Francis M. Monks (2), Joseph F. (or Joe F.) Smith, John B. (or Johnny B.) Smith, Edith Monks, Zora M. (or Zory M.) Monks, Walter L. Hill, Linnie M. (or Linie M.) Hill, Macy M. (or Macie M.) Hill, Clarence Hill and Gracie

Hill, and William T. Monks, as citizens of that nation.

It is shown by the Commissioner's decision that John W. and Francis M. Monks have been enrolled as intermarried citizens of the Choctaw Nation at Nos. 1185 and 104 Choctaw intermarried rolls. He further says that they acquired their right to enrollment by reason of intermarriage with Choctaw citizens in accordance with the laws of the tribe.

On November 13, 1906, he found that the other applicants mentioned herein were not entitled to enrollment.

The record shows that Lucinda Monks claims right to enrollment as a citizen by intermarriage because of her marriage to Francis M. Monks, a white man, whose name appears at 104 of the intermarried Choctaw rolls, and that all of the other applicants are white people and claim their right to enrollment by reason of being children or grand-children of Francis M. Monks.

It appears from the record in the case that application for the enrollment of William T. Monks was not made within the time required by law; in fact, Mr. Bixby says in his decision that from the records in his possession it does not seem that formal application was ever made for his enrollment.

Under the opinion of the Department in the *Kuma McVenam* case, I.T.D. 11582-1904, the Act of June 21, 1906 (34 Stat.L., 325), and the Department's decision of July 10,

--3--

1906, I.T.D. 2548, in the William Jesse Basen case, the applicants are not entitled to enrollment, and the approval of the Commissioner's adverse decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAV-GH.

c. 10. 3

3362

DEPARTMENT OF THE INTERIOR,

C. F. L.

WASHINGTON.

I. T. 50550-1907.

June 17, 1907.

Subject:
Motion and protest in en-
rollment case of Lucinda
Monks, et al.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On May 28, 1907, you transmitted a motion filed in your of-
fice on May 28, 1907, by Chilion Riley, attorney for the applicants
in the case of Lucinda Monks, et al., applicants for enrollment as
citizens of the Choctaw Nation.

The records show that on February 26, 1907, the Department
affirmed the decision of the Commissioner to the Five Civilized
Tribes of November 13, 1906, denying the application for the enroll-
ment of Lucinda Monks and her children, William C., John W., Henry C.,
Mrs. Florence Jones, Mrs. Frances V. Hill, Nancy Monks, James I.
Monks and George W. Monks, as citizens by blood of the Choctaw Nation.

By the provisions of the Act of April 26, 1906 (34 Stat.L.,
137), the rolls of citizens of the Five Civilized Tribes were closed
on March 4, 1907. Since that time the Department has had no juris-
diction over any citizenship matter, and is without authority to
take action that in any way affects the tribal status of any person

-2-

or applicant for citizenship in any of the Five Civilized Tribes.
The motion is therefore denied. You will so notify the interested parties.

Very respectfully,

George W. Woodruff

Acting Secretary.

NVE-EM

Through the Commissioner
of Indian Affairs.

SVP

CHOCTAW.
DENIED

Francis M. Monte
for his children

or

Choctaw Nation

Judgment written Jan. 31, 1901
S. B. C.

JUN 9 1902

See Petition #11-95

RECEIVED

NOV 1 1902

COPY OF DECISION FOR
CHOCTAW

COPY OF DECISION

NOV 1 1902

COPY OF DECISION

NOV 1 1902

COPY OF DECISION

NOV 1 1902

ACTION APPROVED BY

SECRETARY OF THE INTERIOR

NOTICE OF DEPARTMENTAL ACTION

FORWARD

FOR CHOCTAW

AND CHICKASAW NATIONS

FEB 1 1907

APR 1 1907

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

NOV 1 1902

June 17-07 notice done
by Sept
July 13-07 notices sent
parties.

EMPTY

Choc R197 Lula Morrison

Commission to the Five Civilized Tribes,

Deftab, Indian Territory.

Re the application of Iuka Harrison for enrollment as a
Choctaw; being sworn and examined by O. W. McKenna and certified.

Q What is your name? A Iuka Harrison.

Q How old are you? A Thirty-two.

Q Are you on the Choctaw rolls? A No sir I have never been
enrolled.

Q Were your father and mother ever enrolled? A No sir.

Q Where have you been living? A In Texas.

Q You are still living there? A Yes sir.

O. W. McKenna: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct copy of the original as the same was filed with me on the 1st day of March, 1904, at Deftab, Indian Territory.

M. D. Smith

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lula Morrison for the enrollment of herself as a citizen of the Choctaw Nation.

---: DECISION :---

The record in this case will show that the applicant Lula Morrison, appeared before the Commission at Durant, Indian Territory, at its session thereat beginning August 14, 1896, and ending August 18, 1896, and then and there made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does her name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Choctaw citizenship by the legally authorized authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321), neither does it appear that Lula Morrison has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

It appears that this applicant for a long time prior to the date of this application lived in the State of Texas, and is yet living there.

For the purpose of protecting any right the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats., 496) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 496), in a portion of section 21 thereof, provided as:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokee), eliminating from the tribal rolls such

names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful rights thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

And also the following:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

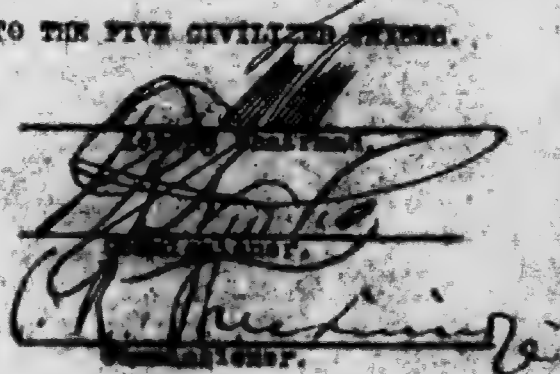
The act of Congress of May 31, 1900, (31 Stats. 821), in a portion of the second paragraph thereof, reads as follows:

"That, said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider or make any application of any person for enrollment as a member of any tribe in Indian Territory,

who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Lula Morrison is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Muskogee, Indian Territory.

MAY 10 1902

Chester E. 187

COPY

Washburn, Indian Territory, May 19, 1902.

Messrs Mansfield, Murrey & Gornish,

Attorneys for the Chectaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Iula Morrison as a citizen of the Chectaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED)

James E. Folsom

Acting Chairman.

1 inclosure.

Choctaw R 197

COPY.

Waskoge, Indian Territory, May 19, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Lula Harrison for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 19, 1908, refusing the application for the enrollment of Lula Harrison as a citizen of said nation.

Respectfully,

(SIGNED)

LEWIS BIRNEY

Acting Chairman.

1 inclosure

Through the Commissioner
of Indian Affairs.

Department of the Interior,
Office of Indian Affairs.

Washington June 12, 1902.

Land.
30,960-1902.

The Honorable

The Secretary of the Interior,

Sir:

Herewith is transmitted the record of proceedings in the matter of the application of Lula Harrison for enrollment as a citizen of the Choctaw Nation.

The commission refused to enroll her.

From the record it appears that this applicant is a non-resident of Indian Territory and that she has never been enrolled or in any way recognized as a Choctaw citizen.

It is the opinion of this office that under the existing law the Commission had no authority to enroll her, and I respectfully recommend that the decision of the commission refusing enrollment be approved.

Very respectfully,

Your obedient servant,

A. C. Tanner,

Acting Commissioner.

(H. S. S.)P.

D. C. 18425-1908.

Department of the Interior,

I. T. R. 3767-1908.

Washington, June 19, 1908.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1908, you transmitted the record in the matter of the application for enrollment of Iola Morrison as a citizen of the Cherokee Nation. You refused the application because applicant has never been enrolled or admitted as a Cherokee citizen, and has not resided in Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is enclosed.

The Department approves your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Chester B 197.

Muskogee, Indian Territory, June 20, 1903.

Lula Harrison,

Lawson, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1903, affirmed the decision of the Commission, dated May 19, 1903, refusing the application made by you for the enrollment of yourself as a citizen of the Cheataw Nation.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Choctaw R 197.

Muskogee, Indian Territory, June 30, 1902.

Manfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by Lula Morrison for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED

I. B. Woodlee.

Commissioner in Charge.



Department of the Interior
Bureau of Land Management
Muskogee, Ind. Terr.
OFFICIAL CORRESPONDENCE
Penalty for private use, \$300.

UNCLAIMED

2192

Bula Morrison,

Durant,

Indian Territory.



APR 23 1969

DEPT. OF AGRICULTURE

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NEVER IN REPLY TO THE FOLLOWING

Choctaw No. R-197.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Lula Morrison, for the enrollment
of herself as a citizen by blood of
the Choctaw nation. }

To Lula Morrison,

Durant, Indian Territory.

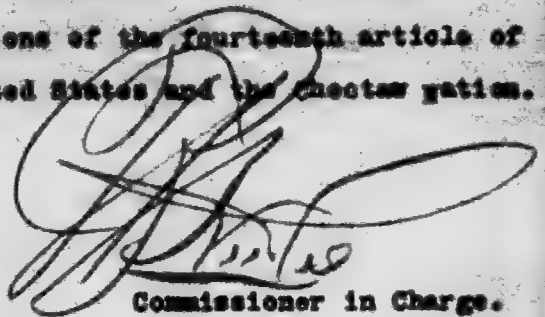
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses, and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

L. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Lula Morrison

Surant

J. P.

7808

RECEIVED

40-003

COMMISSIONERS
HENRY L. DAVIS.
TAMM BERRY.
THOMAS S. DUNBAR.
C. H. BOWENHISE.

ALLISON L. AYLEWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 197

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Lula Morrison,

Durant, Indian Territory.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure

Register.

In the matter of the application for
the enrollment of Lula Morrison as
a citizen of the Choctaw Nation.

REFUSED.

MAY 19 1902

MAY 19 1902

MAY 19 1902

MAY 19 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1902

NOTICE OF DEPARTMENTAL ACTION
MAILED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1902

Choc R198 Thomas J. Murphy

R198

CHOCTAW

2. 12

In the matter of the application
of Thomas J. Murphy for enrollment
as citizen by blood of the Choctaw
Nation.

REFUSED MAY 12 1902

COPY OF DECISION FORWARDED
APPLICANT MAY 12 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAY 12 1902

RECORD FORWARDED DEPARTMENT.

MAY 12 1902

ACTION APPROVED BY
SECRETARY OF INTERIOR. JUN 12 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. JUN 27 1902

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Thomas J. Murphy as a Choctaw by blood; William Davis, being sworn and examined by Com'r McKennon states:

Q What is your name? A William Davis.

Q How old are you? A Thirty-six years old.

Q Did you know George and Eliza Murphy? A I saw them and I know them because I was with the old folks and come through Alabama there.

Q Where did you live? A I lived in Washoba county, Mississippi.

Q And you were traveling through Alabama and saw them? A Yes sir.

Q Where did you see them, in what county? A In Tallapoosa county, Alabama.

Q What kind of looking people were they? A They was half Choctaw.

Q That is his grandfather and mother? A Yes sir.

Q Both of them were half Choctaw? A No, I think that George maybe was a white fellow and Eliza was a half-breed Choctaw.

Q How old were you then? A I have been through there about twenty years ago.

Q How old were you then? A I don't know.

Q You saw them about twenty years ago? A Yes sir.

Q Did you ever see them more than once? A Them old folks went there and were camping around all the time when they went through.

Q What did they go around there to camp for? A Hunting.

Q And you came up on them when you were hunting? A Yes sir.

Q How old were they? A They were getting old.

Q Both of them? A Yes sir.

Q And both looking? A Yes sir.

Thomas J. Murphy, Wm. Davis witness (2)

Q That's about twenty years ago? A Yes sir.

Q That was in 1873 was it? A I reckon, I cannot remember now.

Q About what age did they appear to be then? A I couldn't tell you.

Q Did they appear to be as old as forty years of age? A Yes sir.

Q Or more? A It may be more, - forty-five maybe.

Q That is about what you think they appeared to be then?

A Yes sir.

Questioned by Choctaw Attorney Shackelford)

Q When did you come to the Indian Territory? A I have been in the Territory here about five years; I come in 1894.

Q Where from? A From Texas.

Q How long did you stay in the Territory? A Five years.

(Com'r McKennon to applicant; I don't think your case comes within our jurisdiction; you never came from Miss.)

Q When did you come here? A I have been in Texas eight years.

Q When did you come here from Texas? A In 1894 from Texas.

Q Were you admitted as a citizen here? A Yes sir.

Q Where did you come from to Texas? A I come from Mississippi Washoba county.

Thomas J. Murphy being sworn and examined testifies:

Q What is your name? A Thomas J. Murphy.

Q How old are you? A I am twenty-five.

Q Where were you born and raised? A In Alabama.

Q When did you leave there? A I left there in 1888 I think, '88 or 9.

Q How old were you then? A I was about 14 or 15.

You came to the State of Texas? A Yes sir.

Q Have been living there ever since? A Yes sir.

Q Until what time? A Until about, - little over a month ago.

Thomas J. Murphy #3)

Q And you came over here? A Yes sir

Q Have you moved to the Territory? A I really haven't moved here, but I came here with the intention of making this my home.

Q Are you a married man? A Yes sir.

Q Your family in Texas? A Yes sir, my wife is in Texas.

Q Your wife and all your household goods there? A Yes sir, we are boarding there; I haven't moved anything except myself over here.

Com'r McKennon: I will have to decline to proceed any further with your case. (Applicant insists on further record.)

Q Your father and mother never lived in the Territory here?

A No sir.

Q Your grandfather and mother never lived in the Territory here, - Choctaw Nation or Chickasaw Nation? A No sir, they lived in Mississippi.

Q How do you know that? A I understood that; I only know it from what I have heard.

Q You don't know that they ever lived there? A Only the report in our family.

Q You know when they lived there? A I only know they was reported to come to Mississippi from Alabama.

Q You never have been on the rolls here? A No sir.

Q Nor your parents? A No sir.

Q Nor your grand-parents, in the Choctaw Nation? A No sir, none at all.

Q Your parents never came to the Territory, your grandparents never came to the Territory, therefore you never came to the Territory. (No reply)

Department of the Interior,
Commissioner to the Five Civilized Tribes.

I hereby certify that the foregoing is a true and correct translation of the stenographic notes.

M. J. Murphy

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas J. Murphy for the enrollment of himself as a citizen by blood of the Chester Nation.

DECISION.

The record in this case will show that the applicant, Thomas J. Murphy, appeared before the Commission at Durant, Indian Territory, during its session thereat beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of himself as a citizen by blood of the Chester Nation.

It appears from the record and from the evidence offered in support of this application and an examination of the tribal rolls of the Chester Nation in the possession of the Commission that the applicant has never been enrolled as a citizen of the Chester Nation, nor does his name appear upon any of the tribal rolls of the Chester Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Chester citizenship by the legally constituted authorities of said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It further appears that this applicant, Thomas J. Murphy, is twenty-five years of age, and was for many years up until within one month prior to the date of this application a resident of the State of Texas, and that at the date of this application his wife and the household goods of the applicant were yet in the State of Texas.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 17th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495), in a portion of section 21 thereof, provides as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (than Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

And also the following:

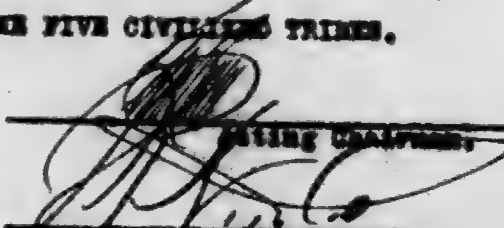

"No person shall be enrolled who has not heretofore moved to and in good faith settled in the nation in which he claims citizenship."

The act of Congress of May 31, 1900, (31 Stats., 221), in a portion of the second paragraph thereof, provides as follows:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that Thomas J. Murphy is not entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory by blood, and that his application therefor should be refused; and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 12 1902

Cheotaw R 198.

COPY.

Muskogee, Indian Territory, May 12, 1908.

Mansfield, McMurray & Gornish,

Attorneys for the Cheotaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Thomas J. Murphy as a citizen of the Cheotaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the commission is informed of the same.

Yours truly,

(SIGNED) *Tame Dixey.*

Acting Chairman.

1 inclosure
Cheotaw R 198

COPY

Muskogee, Indian Territory, May 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Thomas J. Murphy for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission dated May 12, 1902, refusing the application for the enrollment of Thomas J. Murphy for enrollment as a citizen of said nation.

Respectfully,

SIGNED

James Birdy.

Acting Chairman.

1 inclosure
Choctaw N. 190

Through the Commissioner
of Indian Affairs.

D.C. 10114-1902.

34960

C O P Y.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D. 3493-1902.

June 12, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

May 12, 1902, you transmitted the record in the matter of the application for enrollment of Thomas J. Murphy as a citizen of the Choctaw Nation. You refused the application because applicant has never been enrolled or admitted as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

C O P Y.

DEPARTMENT OF THE INTERIOR.
Office of Indian Affairs.

Land
29240-1902

Washington, June 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith memorandum of the Commission to the Five Civilized Tribes in the matter of the application of Thomas J. Murphy for enrollment as a citizen of the Choctaw Nation. The application was rejected by the Commission.

From the record it appears that the applicant is a non-resident of the Indian Territory; that he has never been enrolled, admitted or recognized as a Choctaw citizen and never applied for enrollment prior to filing the application herein.

It is the opinion of this office that under the provisions of the Act of Congress approved May 31, 1900, the Commission had no authority to enroll said applicant.

I respectfully recommend that the decision of the Commission on this application be approved.

Very respectfully,

Your obedient Servant,

A. C. TCHER,

Acting Commissioner.

B. S. H.

COPY

Chester N 100

Wahkago, Indian Territory, June 27, 1908.

Thomas J. Worthy,

Durant, Indian Territory,

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 18, 1908, affirmed the decision of the Commission, dated May 12, 1908, refusing the application made by you for the enrollment of yourself as a citizen of the Chester Nation.

Yours truly,

Commissioner in Charge.

COPY.

Chester R 100.

Washington, Indian Territory, June 27, 1902.

Manfield, McMuray & Cornish,

Attorneys for the Chester and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 12, 1902, affirmed the decision of the Commission refusing the application made by Thomas J. Murphy for the enrollment of himself as a citizen of the Chester Nation.

Yours truly,

SIGNED:

Commissioner in Charge.



UNCLAIMED

Department of the Interior

Commissioner to the Five Civilized Tribes
MUSKOGEE, INDIAN TERRITORY.

OFFICIAL BUSINESS

Penalty for private use, \$300.

2193



Thomas J. Murphy,
Durant,

Indian Territory.



APR 26 1902
Muskegon Ind. Ind.

COMMISSIONERS
HENRY L. DAVIS.
TAMM BIRBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES. **Choctaw No. R-198.**

41402A
REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Thomas J. Murphy, for the enrollment
of himself as a citizen by blood of
the Choctaw Nation. }

To Thomas J. Murphy,

Durant, Indian Territory.

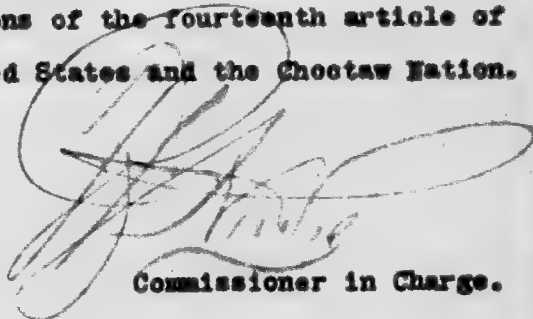
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

T. J. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

A large, stylized handwritten signature in dark ink, likely belonging to the Commissioner in Charge, is written over the text of the document.

Commissioner in Charge.

Register.

UNCLAIMED



Department of the Interior.
Commissioner to the Five Civilized Tribes.
MUNKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Thomas J. Murphy,

Deputy

I.T.

7417

7411



COMMISSIONERS
HENRY L. DAWES.
YANE BIXBY.
THOMAS B. NEEDLES.
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

44-013

REFER IN REPLY TO THE FOLLOWING

Choctaw R 198

Muskogee, Indian Territory, May 12, 1902.

Thomas J. Murphy,
Durant, Indian Territory,

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure
Choctaw R 198
Registered

Choc R199 Charlotte-murphy

R199

the matter of the application of
Charlotte Murphy.
enrollment as a citizen of the
Choctaw Nation.

REFUSED.

COPY OF DECISION FORWARDED
APPLICANT 1/11/03

COPY OF DECISION FORWARDED
ATTORNEY FOR CHOCTAW AND
CHICKSAW NATIONS 1/11/03

RECORD FORWARDED TO DEPARTMENT,
JAN 11 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR,

NOTICE OF DEPARTMENT
ACTION 1/11/03

NOTICE OF DEPARTMENT ACTION
FORWARDED TO ATTORNEY FOR CHOCTAW
AND CHICKSAW NATIONS 1/11/03

JUN 11 1903

Dept.

Denied Petition - Jan. 17/07

Exhibit to the Five Civilized Tribes,
Alaska, Indian Territory.
I hereby certify, under my official seal as
photographer to the above named Commission, that this
document is a true and correct translation of
my original notes.

B. D. Brown

Commission to the Five Civilized Tribes,

Alaska, Indian Territory.

In the application of Charlotte Murphy for enrollment as a
ghost-woman, being sworn and examined by Com'r McKenna she states:

Q What is your name? A Charlotte Murphy.

Q How old are you? A About fifty years old.

Q Where were you born and raised? A I cannot tell you.

Q How long have you been in the ghost-woman and white-woman country?

A Ever since I knew anything.

Q Have ever you been on the regular ghost-woman rolls of the govern-
ment here? A I don't know whether I have or not. I registered
in 1896.

Q In 1896 you were taken and your name is found on page 244 of
this book, were you ever admitted by the ghost-woman council?

A I never went to council.

B. E. Lewis being sworn and examined testifies:

Q What is your name? A B. E. Lewis.

Q How old are you? A Fifty-eight.

Q On page 244 of this book the name of Charlotte Murphy,

was put here and how? A It was put on here as a doubt-

ful name and one we didn't want to register; it was put there
here to get rid of them than anything else.

Q Was it intended as a regular record of names this book as a

ghost-woman? A No sir, it was not intended to be a regular enroll-
ment of this woman or a ghost-woman.

Com'r McKenna: As your name is not found upon any regular

roll of the ghost-woman, or showing that you

have been admitted by the council or the authorized

offices of the ghost-woman, your enrollment will be

Copy

Choctaw No. R-199.

Muskogee, Indian Territory, February 17, 1908.

In the matter of the application of
Charlotte Murphy, for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.)
)
)

To Charlotte Murphy,

Atoka, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to
determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereon, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a
descendant of Choctaw Indians who resided in the state of Mississippi
in 1830, and that your ancestors, such Choctaw Indians, complied or
attempted to comply with the provisions of the fourteenth article
of the treaty of 1830, between the United States and the Choctaw
Nation.

C. R. Freckinridge.

Commissioner in Charge.

Register.

Jan 13
-7-R-199-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application for the enrollment of
Charlotta Murphy as a citizen of the Choctaw Nation.

--: D E C I S I O N :--

The record in this case shows that Charlotta Murphy appeared before the Commission at its session held at Atoka, Indian Territory, Commencing August 28, and ending September 2, 1899, and made personal application for enrollment as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application or from the records in the possession of the Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory, nor does it appear that she has ever been admitted to Choctaw citizenship by a legally constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), nor does it appear that she has ever been married, in accordance with the Choctaw laws, customs and usages, to a recognized and enrolled citizen of said Nation.

It further appears that the name of the applicant (written "Charlottie Murphy") is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1895 Choctaw Census Roll, under the heading "Doubtful, Claims Citizenship," but her name does not appear upon any of the recognized Choctaw tribal rolls, in the possession of the Commission, as a citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provision of the act of Congress approved June 20, 1898 (30 Stats., 498) viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior;" the applicant was notified on February 17, 1900, by registered mail, that she would be allowed thirty days from the date thereof within

which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made by the applicant to said notice.

It is therefore the opinion of this Commission that Char-
letta Murphy is not lawfully entitled to be enrolled as a citizen
of the Choctaw tribe of Indians in Indian Territory, and that the
application for her enrollment as such should be refused, under the
provisions of Section 21 of said act of June 28, 1898, and it is
so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.


Commissioner.

Dated at Muskogee,
Indian Territory, this

JAN 26 1902

D.C. 15080

Copy

WCF.
FHE.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 4352-1903.
L R S

May 18, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 26, 1903, you transmitted the record in the case involving the application of Charlotta Murphy for enrollment as a citizen by blood of the Choctaw Nation, together with your decision of the same date rejecting said application.

The testimony as furnished by the record fails to show that the applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory. The Commission finds that her name does appear (written Charlottie Murphy), on page 244 of the original memorandum record kept by the enumerators for Atoka county, Choctaw nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful, Claims Citizenship", but that her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the commission.

Reporting in the matter May 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department has carefully reviewed the record in the case and your decision is hereby affirmed.

Respectfully,

THOS. RYAN.
Acting Secretary.

1 inclosure.

1
Lajd.
7258--1903.

7
COPY
Department of the Interior,
Office of Indian Affairs,
Washington, May 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Charlotta Murphy for the enrollment of herself as a citizen of the Choctaw Nation.

On January 26, 1903, the Commission rendered a decision in this case finding that the applicant herein appeared before the Commission at its session held at Atoka, Indian Territory commencing August 28, and ending September 2, 1899; but that it does not appear from the evidence submitted in support of her claim, or from the records in the possession of the Commission, that the applicant has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen thereof; that it does not appear that she has ever been admitted to citizenship therein by a legally constituted court or committee of said nation, or by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory; and that it does not appear that she has ever been married in accordance with the Choctaw customs and usages to a recognized and enrolled citizen of said nation.

The Commission finds that her name does appear (written Charlottie Murphy) on page 244 of the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the Choctaw census roll, under the heading "Doubtful Claims

Citizenship"; but that her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation.

The Commission further states that on February 17, 1902, the applicant was given notice by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claims a right to identification as a Mississippi Choctaw; but that no response has been made by said applicant to said notice.

The Commission then finds that her application for enrollment as a citizen of the Choctaw tribe of Indians in Indian Territory should be refused under the provisions of section 21 of the Act of June 26, 1896.

The office has examined the evidence submitted in behalf of this claim and concurs in the said findings of the Commission and recommends that its decision be affirmed by the Department.

Very respectfully

A.C. Tonner,

Acting Commissioner.

W.C.B. (E)

COPY.

Choctaw-R-199

Washogee, Indian Territory, June 3, 1903.

Charlotta Murphy,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 18, 1903, affirmed the decision of this Commission dated January 26, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

C. R. Brockington

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 18, 1903, affirmed the decision of this Commission dated, January 26, 1903, refusing the application made by Charlotte Murphy, for enrollment as a citizen of the Choctaw Nation.

Respectfully,

(SIGNED).

C. P. Breckinridge.
Commissioner in Charge.

COPY.

Choctaw R. 199

Muskogee, Indian Territory, January 26, 1903.

Manfield, McMurtry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Charlotte Murphy, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, it this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Signed,

Jame Bixby.

Acting Chairman.

Enc. I-B-S- 6

COPY.

Mustoge, Indian Territory, January 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application made by Charletta Murphy for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated January 25, 1903, denying said application.

Respectfully,

GEORGE L.

John D. Kirby
Acting Chairman.

Choctaw N-128

Through the

Commissioner of Indian Affairs.

JP.

DEPARTMENT OF THE INTERIOR,

L13

WASHINGTON.

D.C. 2912-1907.
I.T.D. 15978-1906.

January 12, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of September 1, 1906, relative to the application for the enrollment of Nancy J. Murphy, Charlotte Murphy, and others, and the motions made at various times relative to the claims of such persons.

The Department on May 18, 1903, affirmed the decisions of the Commission to the Five Civilized Tribes, adverse to the applicants Nancy J. Murphy and Charlotte Murphy.

It appears from your report and other papers before the Department that none of the applicants have ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as citizens of said tribe in the Indian Territory, neither does it appear that they have ever been admitted to Choctaw citizenship by a legally constituted court or committee of said nation, nor does it appear that they have ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes or by the United States court in the Indian Territory, in accordance with the provisions of the act of June 10, 1896 (29

Stat., 321).

While it appears that the name of Nancy Murphy is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw census roll, under the head of "Doubtfull Claim Citizenship," her name does not appear upon any of the recognized tribal rolls in your possession as a citizen of 'said nation'. This book which you submit is designated as " Choctaw Census Roll No. 'O'" and indorsed on the outside cover thereof " Choctaws Residing in Chickasaw Nation; Memorandum Roll; 'O' Roll." On page 244 of this book, under the heading " Doubtful Claim Citizenship, " appear, you state, the names of several of the parties referred to in the petition and papers submitted. This book, you state, has never been considered by the Commission to the Five Civilized Tribes or by you as an authentic roll of citizens of the Choctaw Nation, though on several occasions it has been sought to be introduced in evidence by applicants for enrollment as citizens of the Choctaw Nation.

It is apparent that none of the applicants are entitled to enrollment. The petitions are therefore denied.

The memorandum book is returned, as requested. The other papers have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 5 to Ind. Of.

R-199

Muskogee, Indian Territory, February 1, 1907.

Charlotte Murphy,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that on January 12, 1907,
the Secretary of the Interior denied the petition for
your enrollment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

B-100

B-200

Muskogee, Indian Territory, February 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 12, 1907,
the Secretary of the Interior denied the petition for the
enrollment of Charlotta Murphy and Nancy J. Murphy as
citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Oklahoma, June 19, 1909.

Messrs. Staley & Smith,
Attorneys at Law,
Chickasha, Oklahoma,

Gentlemen:

Receipt is hereby acknowledged of your letter of June 12, in which you state that John D. Murphy is a one quarter blood Creek and his wife, Lottie or Charlotte Murphy is a one quarter blood Mississippi Choctaw and that they enrolled at Purocell in 1896 and at the same time and place Lida D. Garrell, a sister of Mrs. Murphy, was also enrolled.

You desire to know the exact status of these people, and state that Mr. Murphy is now about eighty years old and in almost destitute circumstances and that an effort ought to be made to secure for him his rights.

In reply you are advised that this office is unable to identify John D. Murphy as an applicant for enrollment in the Creek Nation. It appears, however, that Lida D. Garrell and Charlotte Murphy were applicants for enrollment as citizens of the Choctaw Nation, but their applications were refused by the Commission to the Five Civilized Tribes and this action approved by the Secretary of the Interior.

PAGE

You are further advised that the status of citizenship of the Five Civilized Tribes was passed on March 3, 1907, and this office is now without authority to receive or entertain the application of any person for naturalization as a citizen or resident of any of said tribes.

Since the date last above named there has been no further legislation relative to citizenship matters, any information as to the probable reopening of the matter is in the future.

Respectfully,

Commissioner

Department of the Interior

Division of the Geological Survey

WASHINGTON, D. C.

OFFICIAL BUSINESS

Fine for private use, \$100.



Charlotte Murphy

Alaska



2150

World War Story.



COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BARKERIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

40707A
REFER IN REPLY TO THE FOLLOWING

Choctaw No. B-199.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Charlotta Murphy, for the enrollment
of herself as a citizen by blood of
the Choctaw Nation.

To Charlotta Murphy,

Atoka, Indian Territory.

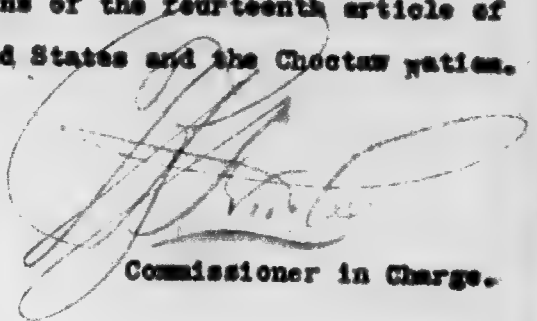
You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Com-
mission an affidavit, corroborated by two witnesses, showing that
you are entitled to be identified as a Mississippi Choctaw under the
act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority
to determine the identity of Choctaw Indians
claiming rights in the Choctaw lands under
article fourteen of the Treaty between the
United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and
thirty, and to that end may administer oaths,
examine witnesses and perform all other acts
necessary thereto, and make report to the
Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the
corroborating witnesses, and must set forth the fact that you are a

C. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw nation.



Commissioner in Charge.

Register.

Department of the Interior

Comptroller of the Five Civil Tribes

MURKIN, IND. TER.

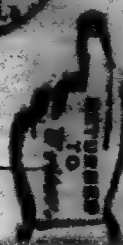
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Charlotte Murphy
~~Heard~~

OKMOMKIND
H.S.



76
70a



COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. E. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R. 190

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1908

Charlotta Murphy,

Marlow, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered.

Enc. 1-3-5-6


Acting Chairman.

Choc R200 Nancy J. Murphy

R200

CHOCTAW

In the matter of the application of
Nancy J. Murphy
for enrollment as a citizen of the
Choctaw Nation

COPY OF DECISION

MAILED

NOTICE OF DEEDS FORWARDED
ATTORNEY GENERAL
CHICKASAW

RECORD FORWARDED

FILED

ACTION APPROVED BY
SECRETARY OF THE NATION

May 1, 1907

NOTICE OF DEEDS FORWARDED
ATTORNEY GENERAL

CHICKASAW

NOTICE OF DEEDS FORWARDED
FORWARDED ATTORNEY GENERAL
AND CHICKASAW

Jan. 17/07 Petition denied
by Department.

COPY

Commission to the Five Civilized Tribes of
Indian Territory.

In the application of Nancy J. Murphy for enrollment as a
Choctaw being sworn and examined by Commissioner of the Bureau.

Q What is your name? A Nancy J. Murphy.

Q How old are you? A Fifty-four.

Q Where have you been living? A I have been living in the
Chickasaw Nation thirty-three years.

Q All the while? A Yes sir.

Q Where did you come from when you came here? A My father
brought me from Missouri here.

Q How long did you remain here then? A He brought me here
when I was about ten or twelve years old.

Q Have you been on the Choctaw rolls? A Just the same
as my sister was.

Q Were ever you admitted by the Choctaw Council? A Yes sir.

Q When were you admitted by the Choctaw Council? A Seven
years ago I think.

Q Do you claim Choctaw or Chickasaw? A I claim Choctaw.

Q How was you admitted by the Choctaw Council seven years
ago? A Well, it was when the Council met, my sister put my
name down; I never went myself.

Q You don't know anything about that do you? A No sir, I
was crippled and couldn't go.

Q Did you get any of the leased District money? A No sir.

W. E. Davis being sworn and examined testifies:

Q What is your name? A W. E. Davis.

Q How old are you? A Sixty-eight.

Q Do you know Nancy Murphy? A I know her name.

Q Did you ever see her? A Yes, I saw her once.

Haney J. Murphy, S.E. Lewis, witness (2)

Rolls, it is really the rejected roll.

Q Why did you make this roll? A Just to get rid of them, they annoyed us to death.

Q Was this intended to be a regular enrollment of these people as Choctaws? A No sir.

Q Was this woman ever admitted by the Choctaw Council?

A Not that I know of. Her sister was at the leased District money drawing to get the money, but she failed to get it.

What was done with the case there? A It was rejected.

Examined by Atty. Murray:

Q At the time of the enrollment was Dixon Durant their witness?

A I talked with him on the outside, I didn't see him before the Board.

Q Isn't Dixon Durant a Choctaw by blood? A Yes sir, he is pretty near a full-blood.

Q Didn't you tell Mrs. Carroll that you knew her people and that you were kin to them? A No sir, I knew the only son-in-law that Coleman ever had, he married Old Man Coleman's daughter, the only one that ever lived to be grown.

Com'r. McKenney: As you are not upon the regular rolls of the Choctaw Nation, and failing to show that you have been admitted by the council or the constituted authorities of the government, your enrollment will be refused.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

I hereby certify, upon my official oath, as above stated, to the above named Commission, that the foregoing is a true, full and correct translation of my handwritten notes.

M. J. Lewis

(C o p y)

Choctaw No. R-200.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Nancy J. Murphy, for the enrollment)
of herself as a citizen by blood of)
the Choctaw Nation.)

To Nancy J. Murphy,

Atoka, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

E J W S.

descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

Register.

Commissioner in Charge.

10013
-7-R-200-

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Nancy J. Murphy as a citizen of the Choctaw Nation.

-- D E C I S I O N --

It appears from the record in this case that Nancy J. Murphy appeared before the Commission at Atoka, Indian Territory, during its session thereat, beginning August 28, and ending September 2, 1899, and made personal application for the enrollment of herself as a citizen of the Choctaw Nation.

It does not appear from the evidence offered in support of this application or from the records in the possession of the Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory; neither does it appear that she has ever been admitted to Choctaw citizenship by a legally constituted court or committee of said Nation, nor does it appear that she has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

It further appears that the name of the applicant (written "Nancy Murphy") is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll, under the heading "Doubtful, Claims Citizenship," but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation.

It does not appear that the applicant has ever been married, in accordance with the Choctaw laws, customs and usages, to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495), viz:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior;"

the applicant was, on February 17, 1902, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification

10

of a permanent residence. A copy of this notice is attached hereto
and will be part of the record in this matter. The residence has been
located at the mouth of the river, and the Commission has found that
the applicant is not a citizen of the United States, and that her application for enrollment as such
should be refused, under the provisions of Section 21 of said Act
of June 25, 1906, and it is so ordered.

COMMISSIONER OF THE INDIAN BUREAU, WASHINGTON.

[Handwritten signature]
Special Agent in Charge

Done at Muskogee,
Indian Territory, this
JAN 26 1903

COPY

Choctaw R. 200

Marlow, Indian Territory, January 26, 1903.

Daisy J. Murphy,

Marlow, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Yours truly,

Jame Dixie.

Registered.

Enc. I-B-6- 3

Acting Chairman.

COPY.

Choctaw R. 200

Muskogee, Indian Territory, January 26, 1903.

Mansfield, McMurphy & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Nancy J. Murphy, as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED),

Tamm Bixby.

Acting Chairman.

Enc. I-B-3- 4

COPY.

Muskogee, Indian Territory, January 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Nancy J. Murphy for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated January 26, 1903, denying said application.

Respectfully,

SIGNED,

Tamm Dixey.

Acting Chairman.

Choctaw R. 200

Through the

Commissioner of Indian Affairs.

D.C. 15064

C O P Y
DEPARTMENT OF THE INTERIOR.
WASHINGTON.

W C F
FHE.

I
IT.D.4342-1903.
L ES

May 18, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 26, 1903, you transmitted the record in the case involving the application for enrollment of Nancy J. Murphy as a citizen by blood of the Choctaw Nation, including your decision of the same date rejecting her application.

The testimony furnished by the record fails to show that the applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory.

It appears that the name of the applicant (written Nancy Murphy), is found on page 244 of the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll under the heading "Doubtful Claims Citizenship", but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission.

Reporting in the matter May 8, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the record in the case, and your decision is hereby affirmed.

Respectfully

THOS. RYAN.

Acting Secretary.

1 inclosure.

Land.
7258--1903.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, May 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy J. Murphy for the enrollment of herself as a citizen of the Choctaw Nation.

On January 26, 1903, the Commission rendered a decision in this case finding that the said Nancy J. Murphy appeared before the Commission at Atoka, Indian Territory, during its session thereat beginning August 28 and ending September 2, 1899; and that it does not appear from the evidence offered in support of her application, or from the records in the possession of the Commission that said applicant has ever been recognized or enrolled by the tribal authorities of the said Nation, nor ever admitted to Choctaw citizenship by a legally constituted court or committee of said nation, or has ever been admitted to citizenship therein by the Commission to the Five Civilized Tribes or the United States Court in Indian Territory.

The Commission further finds that the name of the applicant, written as Nancy Mupphy is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1895 Choctaw census roll under the heading "Doubtful, Claims Citizenship", but that her name does not appear

upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said nation; that it does not appear that the applicant has ever been married according to the Choctaw laws, customs and usages to a recognized and enrolled citizen of the nation; that she was notified on February 17, 1902, by the Commission, that she would be allowed thirty days from the date thereof within which to set forth that she claimed a right to identification as a Mississippi Choctaw, but that no response was made by the applicant to said notice; and that her application should be refused under the provisions of section 21 of the Act of June 28, 1898.

The office has examined the evidence submitted in behalf of this applicant and considers that said decision of the Commission is in conformity with the facts therein stated, and therefore recommends that the same be approved by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W. C. B. (S)

QOPY.

Choctaw-A-909

Muskogee, Indian Territory, June 3, 1903.

Nancy J. Murphy,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of May 13, 1903, affirmed the decision of this Commission dated, January 26, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

Respectfully,

CORRECTION

C. R. Brockman,
Commissioner in Charge.

COPY.

Choctaw-R-300

Muskogee, Indian Territory, June 3, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior under date of May 18, 1908, affirmed the decision of this Commission dated, January 26, 1903, refusing the application of Nancy J. Murphy for enrollment as a citizen of the Choctaw Nation.

Respectfully,

SIGNED:

C. R. Brockbridge

Commissioner in Charge.

JP.

DEPARTMENT OF THE INTERIOR,

LHB

WASHINGTON.

D.C. 2912-1907.
I.T.D. 15978-1906.

January 12, 1907.

LHB

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of September 1, 1906, relative to the application for the enrollment of Nancy J. Murphy, Charlotte Murphy, and others, and the motions made at various times relative to the claims of such persons.

The Department on May 18, 1903, affirmed the decisions of the Commission to the Five Civilized Tribes, adverse to the applicants Nancy J. Murphy and Charlotte Murphy.

It appears from your report and other papers before the Department that none of the applicants have ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as citizens of said tribe in the Indian Territory, neither does it appear that they have ever been admitted to Choctaw citizenship by a legally constituted court or committee of said nation, nor does it appear that they have ever been admitted to citizenship in said nation by the Commission to the Five Civilized Tribes or by the United States court in the Indian Territory, in accordance with the provisions of the act of June 10, 1896 (29

Stat., 321).

While it appears that the name of Nancy Murphy is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw census roll, under the head of "Doubtfull Claim Citizenship," her name does not appear upon any of the recognized tribal rolls in your possession as a citizen of said nation. This book which you submit is designated as "Choctaw Census Roll No. 'O'" and indorsed on the outside cover thereof "Choctaws Residing in Chickasaw Nation; Memorandum Roll; 'O' Roll." On page 244 of this book, under the heading "Doubtful Claim Citizenship," appear, you state, the names of several of the parties referred to in the petition and papers submitted. This book, you state, has never been considered by the Commission to the Five Civilized Tribes or by you as an authentic roll of citizens of the Choctaw Nation, though on several occasions it has been sought to be introduced in evidence by applicants for enrollment as citizens of the Choctaw Nation.

It is apparent that none of the applicants are entitled to enrollment. The petitions are therefore denied.

The memorandum book is returned, as requested. The other papers have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.
1 inc. and 5 to Ind. Of.

R-200

Muskogee, Indian Territory, February 1, 1907.

Nancy J. Murphy,

Marlow, Indian Territory.

Dear Madam:

You are hereby notified that on January 12, 1907,
the Secretary of the Interior denied the petition for
your enrolment as a citizen of the Choctaw Nation.

Respectfully,

Commissioner.

B-199

B-200

Muskoge , Indian Territory, February 1, 1907.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on January 12, 1907,
the Secretary of the Interior denied the petition for the
enrollment of Charletta Murphy and Nancy J. Murphy as
citizens of the Choctaw Nation.

Respectfully,

Commissioner.

Muskogee, Indian Territory, February 6, 1903.

Nancy Jane Murphy,

Marlow, Indian Territory.

Dear Madam:

Your letter of January 17th, addressed to the Secretary of the Interior, has been by him referred to this Commission for consideration and appropriate action. You state therein that you have been denied enrollment by this Commission, but you wish to be informed whether you should go to the land office when established for the purpose of filing on your holdings.

In reply to your letter you are advised that it appears from our records that on January 26, 1903, the Commission refused your application for enrollment as a citizen of the Choctaw Nation, and on the same date you were notified of this action of the Commission, and the record in your case was forwarded to the Secretary of the Interior for review. The Commission has not yet been advised of the action of the Secretary in this case.

You are further advised that only those persons whose names appear on the final rolls of the Choctaw and Chickasaw Na-

Nancy Jane Murphy-----2

tions, as approved by the Secretary of the Interior, will be entitled to allotment of land in the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 29, 1905.

Nancy Jane Murphy,

Bailey, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 11, 1905, addressed to the Secretary of the Interior which has been by him referred to this Commission for consideration and appropriate action. Therein you ask relative to your right to enrollment as a citizen of the Choctaw Nation.

In reply to your letter you are informed that on January 26, 1903, the Commission to the Five Civilized Tribes rendered its decision refusing your application for enrollment as a citizen of the Choctaw Nation and on the same date the record in your case together with the decision of the Commission was forwarded to the Secretary of the Interior. On May 16, 1903, this action of the Commission was approved by the Secretary of the Interior, and the Commission therefore considers this case closed.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, January 6, 1906.

Chester Howe,
Attorney at Law,
Loan & Trust Building,
Washington, D.C.

Dear Sir:

The Department, under date of September 30, 1905, referred to this office for consideration and appropriate action, your letter of September 26, 1905, addressed to the Secretary of the Interior, enclosing the following papers:

Petition of Charlotte Murphy for the enrollment of herself and her children, John W. Murphy, James Henry Murphy, Rufus S. Murphy and Williamson W. Murphy, as citizens of the Choctaw Nation.

Petition of Nancy J. Murphy for the enrollment of herself and her children, Martha L. Powell, Edward W. Murphy, Wm. J. Murphy, Laura V. Evans, John R. Murphy and Robert L. Murphy, as citizens of the Choctaw Nation.

Petition of Lida Watson for the enrollment of herself, her husband, James Watson, and her children, Axie J. Wood, Allen Houston Carroll, Jesse Ann Miller, John Hamilton Carroll, Nancy Joe Carroll and Lottie George Carroll, as citizens of the Choctaw Nation.

Petition of Edward W. Murphy for the enrollment of himself, his wife, Myrtle May Murphy, and their children, Vivian Virginia Murphy and Edith May Murphy, as citizens of the Choctaw Nation, attached thereto being a marriage license and certificate of E. W. Murphy and Myrtle Bowesman.

Chester Howe--2.

Petition of Azie J. Wood for the enrollment of herself, her husband, Arthur L. Wood, and her children, Dora A. Driggers and Charles Driggers, as citizens of the Choctaw Nation.

Petition of James Henry Murphy for the enrollment of himself, his wife, Rushia Claudia Murphy, and child, Charles Williard Murphy, as citizens of the Choctaw Nation.

Petition of Martha L. Powell for the enrollment of herself, her husband, George L. Powell, and their children, Perry R. Powell, Annie L. Powell, Edward W. Powell, George A. Powell, Nettie G. Powell and John D. Powell, as citizens of the Choctaw Nation.

Petition of Williamson W. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of Rufus Murphy for the enrollment of himself, his wife, Lizzie Morris Murphy, and their children, Rosa Murphy and Williamson Wilson Murphy, as citizens of the Choctaw Nation.

Petition of William J. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of John R. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of Perry R. Powell for enrollment as a citizen of the Choctaw Nation.

Petition of Jesse A. Miller for enrollment as a citizen of the Choctaw Nation.

Proof of service of copies of said petitions upon Messrs. Mansfield, McMurray & Cernish, Attorneys for the Choctaw and Chickasaw Nations; and a request that you be entered by the Department as the attorney for the petitioners and that you be informed of such action as is taken in the matter.

Chester Howe--3.

The principal petitioners are Charlotte Murphy, Nancy J. Murphy and Lida Watson, the other petitioners being their descendants and persons intermarried with them.

It is alleged that Charlotte Murphy, Nancy J. Murphy and Lida Watson are Choctaw Indians by blood and the lineal descendants of one Elisabeth Dykes Cole, a Choctaw Indian, who was married to William Keaton, by whom she had a child, Martha Jane Keaton, who was married to William Marlow, and that the petitioners, Charlotte Murphy, Nancy J. Murphy and Lida Watson, are the children of the said William Marlow and Martha Jane Keaton.

It is further alleged that after the approval of the Act of Congress of June 10, 1896, the petitioners were notified in writing by the Choctaw Census Commission, to meet them at the city of Purcell, Indian Territory, on October 9, 1896, for lawful enrollment as citizens of the Choctaw Nation; that said Census Commission was composed of Simon E. Lewis, Jesse Gardner and J. C. Folsom, who enrolled the names of the petitioners on pages 244 and 245 of the roll of Choctaw citizens residing in the Chickasaw Nation, where their names can now be found and to which roll they refer.

You are advised that the only record this office has of any of the petitioners, is that of the applications for the enrollment of Charlotta Murphy and Nancy J. Murphy, as citizens of the Choctaw Nation.

Chester Howe--4.

The records of this office show that Charlotta Murphy made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by blood of the Choctaw Nation at Atoka, Indian Territory, in September 1899; that a decision refusing her application was rendered by the Commission to the Five Civilized Tribes on January 26, 1903, which was affirmed by the Secretary of the Interior May 18, 1903 (I.T.D. 4352-1903).

Nancy J. Murphy made application for enrollment as a citizen of the Choctaw Nation at Atoka, Indian Territory, at the same time that her sister, Charlotta Murphy, submitted her application. A decision refusing the application of Nancy J. Murphy for enrollment as a citizen by blood of the Choctaw Nation was rendered by the Commission to the Five Civilized Tribes January 26, 1903, and was affirmed by the Secretary of the Interior May 18, 1903 (I.T.D. 4342-1903).

In refusing the application for the enrollment of Nancy J. Murphy as a citizen of the Choctaw Nation, the Commission to the Five Civilized Tribes found as follows:

"It does not appear from the evidence offered in support of this application or from the records in the possession of the Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory; neither does it appear that she has ever been admitted to Choctaw citizenship by a legally constituted court or committee of said Nation, nor does it appear that

Chester Howe--5.

she has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

It further appears that the name of the applicant (written "Nancy Murphy") is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll, under the heading "Doubtful, Claims Citizenship," but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation.

It does not appear that any of the petitioners, with the exception of Charlotta Murphy and Nancy J. Murphy, within the time provided by the Act of Congress approved July 1, 1902, made application to the Commission to the Five Civilized Tribes for enrollment as citizens of the Choctaw Nation; neither are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of this office; nor does it appear that they have ever been duly or lawfully admitted to Choctaw citizenship by the National Council, a Citizenship Court or Committee of the Choctaw Nation, the Commission to the Five Civilized Tribes, the United States Court in Indian Territory, the Choctaw and Chickasaw Citizenship Court, or any other citizenship tribunal.

The petitions are therefore hereby denied and are returned herewith.

Respectfully,

SIGNED *Tamc Bixby.*

Commissioner.

7-B-200

Muskogee, Indian Territory, October 30, 1906.

S. A. Apple,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 20, 1906, asking if report has yet been made to the Department in the matter of the application of Charlotte T. Murphy and Nancy Jane Murphy for enrollment as citizens of the Choctaw Nation and if so you desire a copy thereof.

In reply to your letter you are advised that a report was made to the Department in this case, but it is impracticable to comply with your request for a copy thereof.

Respectfully,

Commissioner.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR

J.P. FHE.

D.C. 6958-1906.
I.T.D. 1871-1906.
4342-1903.
4352- "

WASHINGTON, D. C.

February 17, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

You are advised that there was filed, on February 15, 1906, an application for an "order in the nature of a writ of certiorari", directing you to forward to the Department all the records, rolls, papers, applications, and decisions in any manner appertaining to the rights of Charlotte Murphy, et al., and Nancy Jane Murphy, et al., the subject of your letter of January 6, 1906, to Chester Howe.

Respectfully,

(SIGNED) Theo. Ryan,
First Assistant Secretary.

7-R-200

Muskogee, Indian Territory, February 13, 1907.

S. A. Apple,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 4, 1907, asking for a copy of Departmental decision in the case of Nancy J. Murphy et al., denying their enrollment as citizens by blood of the Choctaw Nation.

In compliance with your request there is inclosed you herewith copy of Departmental letter of January 12, 1907.

Respectfully,

EB 6-13.

Commissioner.

Choctaw R 51
Choctaw R200
Choctaw P. 89

Muskogee, Indian Territory, January 12, 1903.

Edward Wilson Murphy,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 20, 1902, asking what disposition has been made of the claims of Lydia D. Carroll, Charlotte Murphy and Nancy Jane Murphy to citizenship in the Choctaw Nation. You state that you are a son of Nancy Jane Murphy and wish to know how to proceed in order to establish your rights.

In reply to your letter you are advised that it appears from our records that Lydia D. Carroll, Charlotte Murphy and Nancy J. Murphy are applicants to this Commission for enrollment as citizens of the Choctaw Nation and that no decision nor opinion has yet been rendered relative to their rights to such enrollment. As soon as decisions are reached in their cases they will be duly notified of the action of the Commission.

It does not appear from our records that you have made application to this Commission for enrollment as a citizen of the Choctaw Nation, and you are advised that under the provisions of the act of Congress of July 1, 1902, which was approved by the Choctaw and Chickasaw nations on September 25, 1902, the rolls of citizenship of the Choctaw and Chickasaw Nations closed on that date

B.V.V. 2

and on December 24, 1902, the ninety days subsequent thereto, within which the Commission could receive and consider applications for enrollment, expired; since that date the Commission is without authority to receive or consider the application of any person who-m-e-ver for enrollment in the Choctaw and Chickasaw nations.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, January 6, 1906.

Chester Howe,

Attorney at Law,

Loan & Trust Building,

Washington, D.C.

Dear Sir:

The Department, under date of September 30, 1905, referred to this office for consideration and appropriate action, your letter of September 26, 1905, addressed to the Secretary of the Interior, enclosing the following papers:

Petition of Charlotte Murphy for the enrollment of herself and her children, John W. Murphy, James Henry Murphy, Rufus S. Murphy and Williamson W. Murphy, as citizens of the Choctaw Nation.

Petition of Nancy J. Murphy for the enrollment of herself and her children, Martha L. Powell, Edward W. Murphy, Wm. J. Murphy, Laura V. Evans, John R. Murphy and Robert L. Murphy, as citizens of the Choctaw Nation.

Petition of Lida Watson for the enrollment of herself, her husband, James Watson, and her children, Axie J. Wood, Allen Houston Carroll, Jesse Ann Miller, John Hamilton Carroll, Nancy Joe Carroll and Lottie George Carroll, as citizens of the Choctaw Nation.

Petition of Edward W. Murphy for the enrollment of himself, his wife, Myrtle May Murphy, and their children, Vivian Virginia Murphy and Edith May Murphy, as citizens of the Choctaw Nation, attached thereto being a marriage license and certificate of E. W. Murphy and Myrtle Bowesman.

Chester Howe--2.

Petition of Axie J. Wood for the enrollment of herself, her husband, Arthur L. Wood, and her children, Dora A. Driggers and Charles Driggers, as citizens of the Choctaw Nation.

Petition of James Henry Murphy for the enrollment of himself, his wife, Rushia Claudis Murphy, and child, Charles Williard Murphy, as citizens of the Choctaw Nation.

Petition of Martha L. Powell for the enrollment of herself, her husband, George L. Powell, and their children, Perry R. Powell, Annie L. Powell, Edward W. Powell, George A. Powell, Nettie O. Powell and John D. Powell, as citizens of the Choctaw Nation.

Petition of Williamson W. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of Rufus Murphy for the enrollment of himself, his wife, Lissie Morris Murphy, and their children, Rosa Murphy and Williamson Wilson Murphy, as citizens of the Choctaw Nation.

Petition of William J. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of John R. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of Perry R. Powell for enrollment as a citizen of the Choctaw Nation.

Petition of Jesse A. Miller for enrollment as a citizen of the Choctaw Nation.

Proof of service of copies of said petitions upon Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations, and a request that you be entered by the Department as the attorney for the petitioners and that you be informed of such action as is taken in the matter.

Chester Howe--3.

The principal petitioners are Charlotte Murphy, Nancy J. Murphy and Lida Watson, the other petitioners being their descendants and persons intermarried with them.

It is alleged that Charlotte Murphy, Nancy J. Murphy and Lida Watson are Choctaw Indians by blood and the lineal descendants of one Elisabeth Dykes Cole, a Choctaw Indian, who was married to William Keaton, by whom she had a child, Martha Jane Keaton, who was married to William Marlow, and that the petitioners, Charlotte Murphy, Nancy J. Murphy and Lida Watson, are the children of the said William Marlow and Martha Jane Keaton.

It is further alleged that after the approval of the Act of Congress of June 10, 1896, the petitioners were notified in writing by the Choctaw Census Commission, to meet them at the city of Purcell, Indian Territory, on October 9, 1896, for lawful enrollment as citizens of the Choctaw Nation; that said Census Commission was composed of Simon E. Lewis, Jesse Gardner and J. C. Folsom, who enrolled the names of the petitioners on pages 244 and 245 of the roll of Choctaw citizens residing in the Chickasaw Nation, where their names can now be found and to which roll they refer.

You are advised that the only record this office has of any of the petitioners, is that of the applications for the enrollment of Charlotte Murphy and Nancy J. Murphy, as citizens of the Choctaw Nation.

Chester Howe--4.

The records of this office show that Charlotta Murphy made application to the Commission to the Five Civilized Tribes for enrollment as a citizen by blood of the Choctaw Nation at Atoka, Indian Territory, in September 1899; that a decision refusing her application was rendered by the Commission to the Five Civilized Tribes on January 26, 1903, which was affirmed by the Secretary of the Interior May 18, 1903 (I.T.D. 4352-1903).

Nancy J. Murphy made application for enrollment as a citizen of the Choctaw Nation at Atoka, Indian Territory, at the same time that her sister, Charlotta Murphy, submitted her application. A decision refusing the application of Nancy J. Murphy for enrollment as a citizen by blood of the Choctaw Nation was rendered by the Commission to the Five Civilized Tribes January 26, 1903, and was affirmed by the Secretary of the Interior May 18, 1903 (I.T.D. 4342-1903).

In refusing the application for the enrollment of Nancy J. Murphy as a citizen of the Choctaw Nation, the Commission to the Five Civilized Tribes found as follows:

"It does not appear from the evidence offered in support of this application or from the records in the possession of the Commission that the applicant herein has ever been recognized or enrolled by the tribal authorities of the Choctaw Nation as a citizen of said tribe in Indian Territory; neither does it appear that she has ever been admitted to Choctaw citizenship by a legally constituted court or committee of said Nation, nor does it appear that

Chester Howe--5.

she has ever been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the United States Court in Indian Territory, in accordance with the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

It further appears that the name of the applicant (written "Nancy Murphy") is found at page 244 on the original memorandum record kept by the enumerator for Atoka County, Choctaw Nation, in making the 1896 Choctaw Census Roll, under the heading "Doubtful, Claims Citizenship," but her name does not appear upon any of the recognized Choctaw tribal rolls in the possession of the Commission as a citizen of said Nation."

It does not appear that any of the petitioners, with the exception of Charlotta Murphy and Nancy J. Murphy, within the time provided by the Act of Congress approved July 1, 1902, made application to the Commission to the Five Civilized Tribes for enrollment as citizens of the Choctaw Nation; neither are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of this office; nor does it appear that they have ever been duly or lawfully admitted to Choctaw citizenship by the National Council, a Citizenship Court or Committee of the Choctaw Nation, the Commission to the Five Civilized Tribes, the United States Court in Indian Territory, the Choctaw and Chickasaw Citizenship Court, or any other citizenship tribunal.

The petitions are therefore hereby denied and are returned herewith.

Respectfully,

SIGNED *Tamc Dixby.*
Commissioner.

BPS a/l.

7-R-199

Muskogee, Indian Territory, April 13, 1906.

Charlotta Murphy,

Chickasha, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of April 7, 1906, giving information relative to your enrollment.

In reply to your letter you are advised that on January 26, 1903, the Commission to the Five Civilized Tribes refused your application for enrollment as a citizen of the Choctaw Nation and on May 18, 1903, this decision was affirmed by the Secretary of the Interior.

On September 30, 1905, a petition was filed by Chester Howe, Attorney at Law, Washington, D. C. for the enrollment of yourself and your children John W., James Henry, Rufus S., and Williamson W. Murphy as citizens of the Choctaw Nation and on January 6, 1906, this petition was denied.

Respectfully,

Acting Commissioner.

COPY.

Muskogee, Indian Territory, September 1, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission to the Five Civilized Tribes on January 26, 1903, transmitted the record in the matter of the application for the enrollment of Nancy J. Murphy as a citizen of the Choctaw Nation, with its decision of the same date adverse to the applicant. This decision was affirmed by the Department May 18, 1903 (I.T.D. 4342-1903).

The Commission to the Five Civilized Tribes also under date of January 26, 1903, transmitted the record in the matter of the application of Charlotta Murphy for enrollment as a citizen of the Choctaw Nation, together with its decision of the same date rejecting the applicant. - This decision was affirmed by the Department May 18, 1903 (I.T.D. 4352-1903).

The Department on September 30, 1905, referred to this office for consideration and appropriate action a letter of Chester Howe, attorney at law, Washington, D. C., addressed to the Secretary of the Interior, enclosing the following papers:

Petition of Charlotte Murphy for the enrollment of herself and her children, John W. Murphy, James Henry Murphy, Rufus C. Murphy and Williamson W. Murphy, as citizens of the Choctaw Nation.

Petition of Nancy J. Murphy for the enrollment of herself and her children, Martha L. Powell, Edward W. Murphy, Wm. J. Murphy, Laura V. Evans, John R. Murphy and Robert L. Murphy, as citizens of the Choctaw Nation.

Petition of Lida Watson for the enrollment of herself, her husband, James Watson, and her children, Axie J. Wood, Allen Houston Carroll, Jesse Ann Miller, John Hamilton Carroll, Nancy Joe Carroll and Lottie George Carroll, as citizens of the Choctaw Nation.

Petition of Edward W. Murphy for the enrollment of himself, his wife, Myrtle May Murphy, and their children, Vivian Virginia Murphy and Edith May Murphy, as citizens of the Choctaw Nation, attached thereto being a marriage license and certificate of E. W. Murphy and Myrtle Powsman.

Petition of Axie J. Wood for the enrollment of herself, her husband, Arthur L. Wood, and her children, Dora A. Driggers and Charles Driggers, as citizens of the Choctaw Nation.

Petition of James Henry Murphy for the enrollment of himself, his wife, Rushia Claudis Murphy, and child, Charles Williard Murphy, as citizens of the Choctaw Nation.

Petition of Martha L. Powell for the enrollment of herself, her husband, George L. Powell, and their children, Perry R. Powell, Annie L. Powell, Edward W. Powell, George A. Powell, Nettie G. Powell and John D. Powell, as citizens of the Choctaw Nation.

Petition of Williamson W. Murphy for enrollment as a citizen of the Choctaw Nation.

(3)

Petition of Rufus Murphy for the enrollment of himself, his wife, Lizzie Morris Murphy, and their children, Rosa Murphy and Williamson Wilson Murphy, as citizens of the Choctaw Nation.

Petition of William J. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of John R. Murphy for enrollment as a citizen of the Choctaw Nation.

Petition of Perry R. Powell for enrollment as a citizen of the Choctaw Nation.

Petition of Jesse A. Miller for enrollment as a citizen of the Choctaw Nation.

These several papers were returned to Chester Howe with the Commissioner's letter of January 6, 1906, with the information that the several petitions had been denied. Mr. Howe was also advised that the only record this office had of any of the petitioners was that of the applications for the enrollment of Nancy J. Murphy and Charlotta Murphy as citizens of the Choctaw Nation, and he was informed of the decisions of the Commission to the Five Civilized Tribes adverse to said applicants, which had been affirmed by the Secretary of the Interior.

The Department on February 17, 1906 (I.T.D. 1871-1906, 4342, 4352-1903), advised this office that there was filed on February 16, 1906, an application for an "order in the nature of a writ of certiorari" directing the Commissioner to the Five Civil-

ised Tribes to forward to the Department all the records, rolls, papers, applications and decisions in any manner appertaining to the rights of Nancy J. Murphy et al., and Charlotte Murphy, et al., as citizens of the Choctaw Nation, the subject of the Commissioner's letter of January 6, 1906, to Chester Howe.

The Department on May 7, 1906 (I.T.D. 1061, 5244-1906), transmitted the application or petition filed with the Department by Chester Howe on February 13, 1906, and the several petitions and exhibits attached thereto, which were returned to Mr. Howe with the Commissioner's letter of January 6, 1906.

The Department in its letter of May 7, 1906, states that it does not deem it necessary to have this office transmit as requested, "all the records, rolls, papers, applications and decisions in any manner appertaining to the rights of the parties" but does desire, in view of the late ruling of the Department relative to the 1896 Choctaw census roll, all the information possible relative to the "original memorandum" referred to in the decisions of the Commission to the Five Civilized Tribes in the Nancy J. Murphy and Charlotta Murphy cases, and the Commissioner's letter of January 6, 1906, to Chester Howe, in order that it may be determined whether by any possibility the names of any of the applicants can

(5)

be held to be upon a roll of the Choctaw Nation in order, if so, that they may have an opportunity to be heard upon the merits of their claims.

The Department expresses the view that as the first petition in question and the papers attached thereto were filed with the Department and transmitted to this office prior to December 1, 1905, the rights, if any, of the applicants, are apparently protected by section 1 of the Act of Congress approved April 26, 1906 (Public--- No. 129).

I have the honor to report that there was also filed in this office on June 26, 1906, by Messrs. Apple & Franklin, attorneys at law, a motion praying for the reopening, rehearing and rejudication of the citizenship application of Charlotte Murphy, et al., embracing the applications of

Charlotte Murphy et al.
Nancy J. Murphy et al.
Lida Watson et al.
Edward W. Murphy et al.
Axie J. Wood et al.
James Henry Murphy et al.
Martha L. Powell et al.
Williamson W. Murphy et al.
Rufus Murphy et al.
William J. Murphy
John R. Murphy
Perry R. Powell
Jesse A. Miller

There was also filed with this office on July 17, 1906, the ex parte affidavit of Edward W. Murphy in reference to his

right to enrollment as a citizen of the Choctaw Nation.

The two petitions returned with Departmental letter of May 7, 1906, and the motion and ex parte affidavit referred to are herewith transmitted.

For the information and consideration of the Department in connection with these papers I have the honor to transmit herewith a book designated as "Choctaw Census Roll No. '0'" and endorsed on the outside cover thereof "Choctaws residing in Chickasaw Nation; memorandum roll; roll '0'". Upon page 244 of this book and under the heading "Doubtful claim, citizenship", appear the names of several of the parties referred to in the petitions and papers herewith submitted.

This is the only tribal recognition of any character whatever that this office is able to discover or ascertain in reference to any of the persons named in the petitions.

This book was, with a number of other records, papers and memoranda, delivered to the Commission to the Five Civilized Tribes in the year 1898 by the Citizenship Commission representing the interests of the Choctaw Nation and appointed by an act of the Choctaw National Council.

This particular book was represented to the Commission to the Five Civilized Tribes as being a memorandum kept by the census enumerators operating in the field in the preparation of the necessary data for the 1896 Census roll of Atoka County, Choctaw Nation.

Simon E. Lewis, who was a member of the Choctaw Citizenship Commission who prepared the 1896 census roll of the citizens of the Choctaw Nation, testified in reference to this memorandum book in the matter of the application of Charlotta Murphy as a citizen of the Choctaw Nation, at Atoka, Indian Territory, in September 1899, as follows:

- "Q What is your name? A S. E. Lewis.
Q How old are you? A Fifty-eight.
Q I find on page 244 of this book the name of Charlotta Murphy, why was it put here and how? A It was put on on here as a doubtful party and one we didn't want to register; it was put there more to get rid of them than anything else.
Q Was it intended as a regular record of this woman as a Choctaw? A No sir, it was not intended to be a regular enrollment of this woman as a Choctaw citizen."

This book has never been considered by the Commission to the Five Civilized Tribes or its successor as any authentic roll of the citizens of the Choctaw Nation, but was on several occasions sought to be introduced in evidence by applicants for enrollment as citizens of the Choctaw Nation.

It is respectfully requested that when this book has served the purpose desired by the Department, it be returned to this office as reference is being constantly made to this book in the disposition of pending applications for citizenship in the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Deall.*

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR

J.P. PHE.

D.C. 6958-1906.
I.T.D. 1871-1906.
4342-1903.
4352- "

WASHINGTON, D. C.

February 17, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

You are advised that there was filed, on February 15, 1906, an application for an "order in the nature of a writ of certiorari", directing you to forward to the Department all the records, rolls, papers, applications, and decisions in any manner appertaining to the rights of Charlotte Murphy, et al., and Nancy Jane Murphy, et al., the subject of your letter of January 8, 1906, to Chester Howe.

Respectfully,

(SIGNED) Thos. Ryan,
First Assistant Secretary.

7-P-109

Muskogee, Indian Territory, January 24, 1907.

Charlotte Murphy,

Tuttle, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of January 2, 1907, giving information relative to your enrollment.

In reply to your letter you are advised that on January 12, 1907, the Secretary of the Interior denied the petition for your enrollment as a citizen by blood of the Choctaw Nation.

Respectfully,

Commissioner.

Department of the Interior,

I hereby certify that the foregoing is a true and correct translation of the original in the Cherokee language.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Charlotte Murphy for enrollment as a citizen, being sworn and examined by Commissioner of the Five Civilized Tribes.

Q What is your name? A Charlotte Murphy.

Q How old are you? A About fifty years old.

Q Where were you born and raised? A I cannot tell you.

Q How long have you been in the Choctaw and Chickasaw country?

A Ever since I know anything.

Q Have ever you been on the regular Choctaw rolls of the government here? A I don't know whether I have or not, I registered in 1895.

Q In 1895 you were taken and your name is found on page 244 of this book, were you ever admitted by the Choctaw Council?

A I never went to Council.

Examiner: I am now asking you to swear and certify to the following:

Q Now ask what is your name? A S. G. Lewis.

Q How old are you? A Fifty-eight.

Q I find on page 244 of this book the name of Charlotte Murphy, why was it put here and how? A It was put on here as a doubtful party and one we didn't want to register; it was put there to get rid of them than anything else.

Q Was it intended as a regular record of names this woman as a citizen? A No sir, it was not intended to be a regular enrollment of this woman as a Choctaw citizen.

Examiner: Now, Mr. Lewis, as your name is not found upon any regular roll of the Choctaw Nation, and showing being able that you have been admitted by the Council or the constitutional authority of the Choctaw Nation, your enrollment will be refused.

Copy.

In the matter of the application for the enrollment of Charlotte Murphy, et al., as citizens of the Choctaw Nation.

M O T I O N.

Come now Apple & Franklin, of Ardmore, Indian Territory, and move the Honorable Secretary of the Interior that he reopen, rehear and readjudicate the citizenship application of Charlotte Murphy, et al., embracing the application of:

Charlotte Murphy et al.
Nancy J. Murphy et al.
Lida Watson et al.
Edward W. Murphy et al.
Axie J. Wood et al.
James Henry Murphy et al.
Martha L. Powell et al.
Williamson W. Murphy.
Rufus Murphy et al.
William J. Murphy
John R. Murphy
Perry R. Powell
Jesse A. Miller

Reference is made to 7-R-51, 7-R-199, 7-R-200 and 7-R-198, and also to I. T. D. 4957-1906.

And as for grounds of said motion it is alleged that said applicants names appear upon the Choctaw Tribal Rolls, prepared by the tribal authorities in 1896; and that they were residents of the Choctaw-Chickasaw country on June 28, 1898, and under the provisions of the acts of Congress approved June 28, 1898 (30 Stat. 495), July 1, 1902 (32 Stat. 641) and April 26, 1906 (Public No. 129), are entitled to enrollment as citizens of the Choctaw Nation.

(Signed) Apple & Franklin
Attorneys for Applicants.

INDIAN TERRITORY,
SOUTHERN DISTRICT.

I, Wirt Franklin, of counsel for the applicants in the above case, state that the facts above enumerated are true to the best of my knowledge and belief; and that I have this day forwarded by registered mail to Newfield, McMurray & Cornish, South McAlester, Indian Territory, a true and perfect copy of the above motion. I attach hereto postmaster's receipt for same.

(Signed) Wirt Franklin
Subscribed and sworn to before me this 25th day of June, 1906.
(Seal) (Signed) F. L. Kelley



Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Nauch J. Murphy
RETURN TO
WRITER
MUSKOGEE, IND. TER.

2151

Atoka

J. J.

Reg 105

Unknown



COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-000

REFER IN REPLY TO THE FOLLOWING

Choctaw No. 2-300.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Nancy J. Murphy, for the enrollment)
of herself as a citizen by blood of)
the Choctaw Nation.

To Nancy J. Murphy,

Atoka, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

N. J. M., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

CHOCTAW.

R. 201

John Mullins

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 257

CHOCTAW.

R. 202

Hill Mullins

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. 261

CHOCTAW.

R. 203

Lallie Mullins -

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. ⁷ 254

CHITAWA

R. 204

Alma Mullins

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. # 4031

Transferred to 7-6064
Jan 26-07 to Jan 31-07

Choc R206 Robert G. McElroy

R206

In the matter of application of
ROBERT C. CHICKASAW
for enrollment as a citizen of the
CHICKASAW NATION.

REFUSED DEC-1-1902

COPY OF DECISION FORWARDED
APPLICANT DEC-1-1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS.

DEC-1-1902

RECORD FORWARDED DEPARTMENT,
DEC-1-1902

*June 13, 1903 Record returned for
further action*

*Sept. 2, 1903 applicants and attorneys
granted 30 days for submission of
argument and notified*

NOV 30 1903

REFUSED NOV 30 1903
COPY OF DECISION FORWARDED
APPLICANT NOV 30 1903

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS.

NOV 30 1903

RECORD FORWARDED DEPARTMENT,
NOV 30 1903

(C. S. 2-1)

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

JUL 19 1904

~~Copy~~ OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL 19 1904

REFUSED.

*Apr. 16, 1906. Transferred to Choctaw
Board No. 5999. See letter of Department.
Apr. 5, 1906. (S.T.D. 4870-1903; 2194, 360,
5930-1904.)*

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of Robert C. McLendon for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

(Applicant is on the 1896 roll: p239, #9490, as R.C. McLendon.)

What is your name? A Robert C. McLendon.

Q How old are you? A Forty-two.

Q You were born and raised in Mississippi? A Yes sir.

Q When did you leave there? A I left there in 1881 first.

Q Where did you go? A To Texas.

Q How long did you stay in Texas? A I staid there about six or seven years; I wasn't there all the time.

Q When did you move to the Territory to stay here permanently?

A In July, 1893.

Q You have been here ever since? A Yes sir.

Q Were you ever enrolled before you were put on this 1896 roll?

A No sir.

Q Was that in 1896 or 1897 that you were put on the roll?

A To the best of my recollection it was in 1897.

Q What time in 1897? A It was somewhere about the first of January, I don't know the exact date.

Q Was your brother Burrell P. put on at the same time?

A I think he was.

Q You were never admitted by any act of the Choctaw council were you? A No sir.

Q You made application to the Dawes Commission in 1896 did you?

A I think it was 1896.

Q It was before you were enrolled? A Yes sir.

Q And you never heard from that application? A No sir.

Q You say you had a lawyer named Gilbert attending to it for you?

A Not at that time.

Robert C. Melendon (2)

Q I mean in 1896 when you first made application to the Dawes Commission who was it? A Smoot was the man.

Q Where did he live? A I don't know where he is now, he was at Duncan at that time.

Q Did he never tell you what became of that application?

A No sir, he left there in a short time afterwards.

Q And you never heard what became of it? A No sir.

Com'r McKennon: As you were not admitted by Act of council of the Choctaw Nation, your enrollment was without authority of law, and the commission has no authority, therefore, to enroll you now. It becomes its duty to leave you off of the rolls. Besides, you say you made application to the Dawes Commission in 1896, and you never heard what became of that application; not hearing from it you then went to the Choctaw authorities to get yourselves enrolled; Davis Homer was your attorney, and you were placed upon the rolls. The records of the commission will show whether you were ~~examined~~ rejected, and if so, that judgment is final against you.

(See records Dawes Com. 1896.)

Department of the Interior,

Commissioner of the Indian Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

McDermott

(Copy)

Choctaw No. R-308.

Muskogee, Indian Territory, February 17, 1908.

In the matter of the appli-
cation of Robert C. McLendon
for the enrollment of himself
as a citizen by blood of the
Choctaw Nation.

To Robert C. McLendon,

Duncan, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw, under the Act of Congress of June 18, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the State of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the Fourteenth Article of the Treaty of 1830, between the United States and the Choctaw Nation.

I. B. Needles.

Commissioner in Charge.

Register.

200
46
-7-R-206-

DEPARTMENT of the INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Robert C. McLendon as a citizen of the Choctaw Nation.

DECISION.

The record in this case shows that Robert C. McLendon appeared before the Commission at South McAlester, Indian Territory, during the month of September, 1898, and made personal application for enrollment as a citizen of the Choctaw Nation.

It further appears from said record that the applicant was forty-two years of age at the time of his said appearance at South McAlester, and that the Commission at that time identified him from the 1896 Choctaw Census-roll, page 239, No. 9490, as R. C. McLendon. The age of R. C. McLendon is given on the 1896 Choctaw census-roll as one year; and, as this is the only place said name appears on the Choctaw rolls, the Commission is of the opinion that said identification was erroneous, and that the name of this applicant is not upon the tribal rolls of the Choctaw Nation.

It further appears that on September 9, 1898, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321), the applicant herein, under the name of Robert McLendon, made application to the Commission for admission to citizenship in the Choctaw Nation; that on December 9, 1898, his said application was denied, and that no appeal was taken from said decision of the Commission to the United States Court in Indian Territory.

It does not appear that the applicant has ever been married, in accordance with Choctaw laws, usages and customs, to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provision of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), viz.:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior;"

the applicant was notified on February 17, 1900, by registered mail.

COPY

Commander, British Air Force, November 1, 1940

Robert C. McLaughlin

Commander, British Air Force

Dear Sir,

There is herewith inclosed a copy of the decision of the Commission on the Five Civilized Tribes regarding the application made by you for enrollment as a citizen of the United States.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED

Frank Bixby

Acting Chairman

Registered

Nov. 11

Manassas, September 1, 1901.

Attorneys for the United States and Citizens of the District of Columbia.

Samuel H. Hays, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes regarding the application for the enrollment of Robert C. McLondon as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Very truly,
Yours,

John B. Barry

Indian Territory.

Enc. H. 10

COPY

Washington, D.C., January 17, 1952

The Honorable
The Secretary of the Interior

Sir:

There is herewith transmitted the report of proceedings in the matter of the application made by Robert C. Robinson for enrollment as a citizen of the United States, including the decision of the Commission dated December 1, 1951, denying said application.

Respectfully,

(S)

Wm. L. B. B. B.
Acting Chairman

Enc. Chapter 2-204

Through the
Comptroller of Public Works.

Land.
V2296--1902.

Copy
Department of the Interior,
Office of Indian Affairs,
Washington, June 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated December 1, 1902, forwarding the record relative to the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation.

December 1, 1902, the Commission held the applicant was not entitled to enrollment as a citizen of the Choctaw Nation.

The record shows that "the applicant is on the 1896 roll p. 239 #9490, as R. C. McClendon", and he testified that he was enrolled in 1896 or early in January of 1897.

The Commission states in its decision that when the applicant appeared before it at South McAlester in 1899 he was identified from the 1896 roll as shown by the above quotation; that the age of R.C. McClendon is given on the 1896 census roll as one year while this applicant testified in 1899 that he was 42 years of age; that on September 8, 1896 "the applicant herein under the name of Robert McLendon made application to the Commission for admission to citizenship in the Choctaw Nation; that on December 8, 1898, his said application was denied; and that no appeal was taken from said decision of the Commission to the United States Court in the Indian Territory."

This application was made under the provisions of the Act of June 10, 1900. The record in this case is not entirely satisfactory for the reason that the report and the Commission's decision

apparently two persons applied to the Commission for citizenship in 1898, this applicant, Robert C. McLanahan and one R. C. McLanahan. The names are very similar and before the application is finally passed upon the Commission should be instructed to carefully ascertain whether this applicant and the person whose name appears on the 1898 roll as R. C. McLanahan are one and the same. It is possible that there may be an error in the census roll in so far as it relates to the age of the applicant who was enrolled that year by the Commission.

It is respectfully recommended that the case be returned to the Commission with instruction as above indicated.

Very respectfully,

A.C. Tanner,

Acting Commissioner.

G.A.W. (S).

D.C. 17542

DEPARTMENT OF THE INTERIOR
WASHINGTON.

TP.

I.T.D. 4870-1903.
L R S

June 13, 1903.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

December 1, 1902, you transmitted the case involving the application of Robert C. McLendon for enrollment as a citizen of the Cheetaw Nation, having upon that day rejected the application.

It appears that in September, 1899, McLendon made personal application for enrollment to your Commission; that he was 42 years of age at that time; that the Commission identified him from the 1896 Cheetaw Census roll as R. C. McLendon.

You state, in the decision under consideration, that the age of R. C. McLendon is given in the 1896 Cheetaw census rolls one year; that as this is the only place said name appears in the Cheetaw rolls, you are of the opinion that said identification was erroneous, and that the name of this applicant is not upon the tribal rolls of the Cheetaw Nation.

It also appears that in 1896 the applicant, under the name of Robert McLendon, made application to your commission for admission to citizenship in said Nation; that December 8, 1896, his application was denied, and that no appeal was taken by him to the United States court.

You held that he is not lawfully entitled to be enrolled as a citizen of the Cheetaw tribe of Indians in Indian Territory, under

the provisions of section 21 of the act of June 20, 1906.

Reporting in the matter June 4, 1902, the Acting Commissioner of Indian Affairs states that the record in the case is not entirely satisfactory; that he concludes that before the application is finally passed upon you should be instructed to definitely ascertain whether this applicant and the person whose name appears upon the 1896 roll as R. C. McClendon, are one and the same, as it is possible that there may be an error in the census roll in so far as it relates to the age of the applicant, "who was enrolled that year by the Commission." He recommends that the case be remanded to you with instructions as indicated by him.

Concurring in this recommendation, the testimony and papers attached thereto are returned herewith.

Should you find that the applicant was enrolled on the 1896 roll, you will take further testimony and readjudicate the case. (See decision of the Department of June 10, 1902, in the Cherokee enrollment case of Lucius Marcus). Copy of Indian Office letter is also inclosed.

Respectfully,

E. A. KITCHCOCK.
Secretary.

2 inclosure.

COPY.

Choctaw R-206

Muskogee, Indian Territory, September 2, 1903.

Robert C. McLendon,

Comanche, Indian Territory.

Dear Sir:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of your application for enrollment as a citizen of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1903, for the submission of argument, copy of such argument to be served upon the opposite party.

You are further advised that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

A copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

(SIGNED)

Tamie Dixie
Chairman.

Enc. WFS-2/7

COPY.

Choctaw R-204.

Muskogee, Indian Territory, September 2, 1903.

Mansfield, McMurray & Gornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1903, for the submission of argument, copy of such argument to be served upon the opposite party whose postoffice address is Comanche, Indian Territory.

A copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

(SIGNED)

Tamie Bixby.
Chairman.

Enc. WFW-2/8

INDIAN TERRITORY
SOUTHERN DISTRICT

This day personally appeared before me Geo. T. Putty a Notary Public in and for the Southern District of the Indian Territory one W. H. McCoy to me well known who being by me first duly sworn deposes and says, that he is resident of Marlow, Indian Territory, and that he is nearly fifty five years old, that he is intimately acquainted with one Robert C. McLendon, a part Choctaw Indian by blood, I know that he made application for citizenship to the Choctaw Authorities in connection with his brother Burrell F. McLendon in 1896, was in the city of Tuskahoma, I.T. before the Choctaw Revisory board when the said Robert C. McLendon was identified and enrolled as a Choctaw Citizen, that his name is inserted in a certificate issued to Burrell F. McLendon and his family, could not state exactly how he signed his name whether it be Robert C., or R. C. or Robert McLendon but I do know that he is the identical person who was admitted to citizenship by the Choctaw Authorities in 1897, at Tuskahoma, I.T. on or about the 6 day of Jan. of that year.

(Signed) W. H. McCoy.

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(SEAL)

Geo. T. Putty,
Notary Public.

INDIAN TERRITORY

SOUTHERN DISTRICT

This day personally appeared before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory, one Wm. C. Thompson to me well known who being by me first duly sworn on his oath says that he is a resident of Marlow, Indian Territory, and am nearly 65 years old, have known Robert Colwell McLendon all his life knew his parent and grand parents before him, was in the City of Muskogee, I.T. in the early part of January 1897 and that on or about the 6 day of January of said year was present with the Choctaw Revisory board when Robert Colwell McLendon application for citizenship was being considered said board admitted him and issued to him a certificate of enrollment in connection with that of his brother and his family Burrell F. McLendon, he was about 39 years old at that time, as to the exact manner in which he signed his name I could not state but I know that at some time he signed his name Robert McLendon, sometimes Robert C. and sometimes R. C. McLendon, he is farmer and knows but little of business matters, and therefore has no knowledge of the importance of having a uniform way of signing his name.

(Signed) William C. Thompson.

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(SEAL)

Geo. T. Putty,

Notary Public.

INDIAN TERRITORY

SOUTHERN DISTRICT

This day personally appeared before me Geo. T. Putty a Notary Public in and for the Southern District of the Indian Territory, one Burrell F. McLendon, to me personally known who being by me first duly sworn on his oath says that he is a Choctaw Indian by blood he is Forty Two years old and resides near Arthur Indian Territory, that he is a brother to Robert Colwell McLendon who made application to the Authorities of the Choctaw Nation for identification and enrollment as a Choctaw Indian in 1896 and on or about the 6th., day of January 1897 was duly enrolled as a Choctaw Citizen by the Choctaw Revisory board at Tuskahoma I.T. that said Choctaw Revisory board issued to me a certificate of Citizenship and enrollment of myself and family, placing my brother R. C. McLendons' name on said certificate of enrollment issued to me, the original of which is now or should be on file with the Commission to the five Civilized Tribes at Muskogee, I.T. I have heretofore filed said certificate with them.

(Signed) Burrell F. McLendon.

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(Signed) Geo. T. Putty,

(SEAL)

Notary Public.

INDIAN TERRITORY

SOUTHERN DISTRICT

Be it known that on this the 14 day of September 1903 before me the undersigned authority personally appeared Robert Coldwell McLendon who being by me duly sworn on his oath says that he is Choctaw Indian by blood and in the year 1896 he made application to the Choctaw Authorities for enrollment as a Choctaw Indian and that on or about the 6day of January 1897 he was duly enrolled as a citizen of the Choctaw Nation or tribe of Indians by the Choctaw Revisory Board then in session at the City of Tuskahoma I.T. said enrollment now being supervised by the Commission to the Five Civilized Tribes at Muskogee, I.T. and in support of his Identification desires the evidence of Wm. C. Thompson Sr. Wm. H. McCoy and Burrell F. McLendon of Marlow, I.T. that the applicant is unable to financially procure their attendance.

That the evidence of the said Thompson, McCoy and McLendon are material in this case, by whom he expects to prove that R. C. McLendon who was enrolled by the Choctaw Revisory Board as R. C. McLendon at Tuskahoma, I.T. in January 1897 is the identical person who made application to the Five Civilized Tribes in 1896 as Robert McLendon, therefore asks that the depositions of the said Thompson, McCoy and McLendon be taken in accordance with the rules and regulations heretefore promulgated by the Commission to the Five Civilized tribes to be used in behalf of the applicant.

(Signed) Robert Colwell McLendon

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(Signed) Geo. T. Putty?
Notary Public.

(SEAL)

INDIAN TERRITORY

SOUTHERN DISTRICT

Be it known that on this the 14 day of September 1903 before me the undersigned authority personally appeared Robert Colwell McLendon who being by me duly sworn on his oath says that he is a Choctaw Indian by Blood and that in the year 1896 he made application to the Choctaw Authorities for enrollment as a Choctaw Indian and that on or about the 6th day of January 1897 he was duly enrolled as a citizen of the Choctaw Nation or tribe of Indians by the Choctaw Revisory Board, then in session at the City of Muskahoma, I.T. said enrollment now being supervised by the Commission to the Five Civilized tribes at Muskogee, I.T. and in support of his identification desires the evidence of Wm. C. Thompson Sr. Wm. H. McCoy and Burrell F. McLendon, of Marlow, Indian Territory that the applicant is unable financially to procure their attendance.

That the evidence of the said Thompson, McCoy and McLendon are material in this case, by whom he expects to prove that R. C. McLendon who was enrolled by the Choctaw Revisory board as R. C. McLendon at Muskahoma, I.T. in January 1897 is the identical person who made application to the Five Civilized Tribes in 1896 as Robert McLendon, therefore asks that the depositions of the said Thompson, McCoy and McLendon be taken in accordance with the rules and regulations hereto for promulgated by Commission to the Five Civilized Tribes to be used as evidence in behalf of the applicant.

(Signed) Robert Colwell McLendon.

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(SEAL)

(Signed) Geo. T. Puffy,
Notary Public.

COPY

Indian Territory +
 +
Southern District +

Be it known that on this the 14 day of September 1903 before me the undersigned authority personally appeared Robert Colwell McLendon who being by me duly sworn on his oath says that he is Choctaw Indian by blood, and in the year 1896 he made application to the Choctaw Authorities for enrollment as a Choctaw Indian and that on or about the 6th of January 1897 he was duly enrolled as a citizen of the Choctaw Nation or Tribe of Indians by the Choctaw Revisory Board then in session at the City of Tuska-homa I.T. said enrollment now being supervised by the commission to the Five Civilized Tribes at Muskogee I. T. and in support of his identification desires the evidence of Wm. C. Thompson Sr. Wm. H. McCoy and Burrell P. McLendon of Marlow, I. T. that the applicant is unable financially to procure their attendance, and that their testimony is material in this case, by whom he expects to prove that R. C. McLendon who was enrolled by the Choctaw Revisory board as R. C. McLendon at Tuskahoma, I. T. in January 1897 is the identical person who made application to the five civilized Tribes in 1896 as Robert McLendon. therefore asks that the depositions of the said Thompson, McCoy and McLendon be taken in accordance with the rules and regulations heretofore promulgated by the Commission to the Five Civilized Tribes at Muskogee I. T. to be used in behalf of the applicant.

(SIGNED) Robert Colwell McLendon

Subscribed and sworn to before me this the 14 day of Sept. 1903

(SIGNED) Geo. T. Putty
Notary Public.

(SEAL)

K-R-206.

Muskogee, Indian Territory, September 17, 1903.

Robert Calwell McLendon,

Comanche, Indian Territory.

Dear Sir:

The Commission is in receipt of your affidavit wherein you set forth your reasons for desiring to have certain depositions taken in support of your application for enrollment as a citizen by blood of the Choctaw Nation; also interrogatories to be propounded to said witnesses with proof of service of copies thereof upon the attorneys of the Choctaw and Chickasaw Nations.

These documents being in due form have been filed with and made a part of the record in the matter of the enrollment of Robert Calwell McLendon (R-206), and when the required time has elapsed for the filing of cross-interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions, and same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Chairman.

(COPY)

7-R-206

Muskogee, Indian Territory, October 1, 1903.

Robert Caldwell McLendon,
Comanche, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Burrell F. McLendon, same to be read in evidence in the matter of the application of Robert Caldwell McLendon for enrollment as a citizen by blood of the Choctaw Nation, pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Chairman.

Enclosure.
J.D. #6-1;

(COPY)

7-R-206

Muskogee, Indian Territory, October 1, 1903.

Robert Calwell McLendon,
Comanche, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of William C. Thompson, Sr., same to be read in evidence in the matter of the application of Robert Calwell McLendon for enrollment as a citizen by blood of the Choctaw Nation, pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Chairman.

Enclosure:

J. D. #7-1

(COPY)

7-R-206

Muskogee, Indian Territory, October 1, 1903.

Robert Calwell McLendon,
Comanche, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of W. H. McCoy, same to be read in evidence in the matter of the application of Robert Calwell McLendon for enrollment as a citizen by blood of the Choctaw Nation, pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Chairman.

Enclosure.
J.D. 48-1

South McAlester, Indian Territory, September 16,
1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sirs:

We have just been served with copy of interrogatories which R. C. McLendon, applicant for citizenship in the Choctaw Nation, by blood, or No. 206, proposes to propound to witnesses Burnett F. McLendon, William C. Thompson, Sr. and W. H. McCoy.

This is a case which was remanded to the Commission by the Honorable Secretary of the Interior, under date June 13, 1903, with instructions to take further testimony.

We do not understand that the Commission has held that testimony in the class of cases to which this case belongs can be taken by depositions in form of interrogatories or otherwise.

We will thank the Commission to advise us immediately upon receipt of this letter if any rule has been promulgated for the taking of this testimony in the form of depositions. It has been our contention always, and is at this time, that witnesses in these cases shall appear before the Commission to give testimony orally, in order that they may be cross-examined, and in order that their appearance and manner of testifying may be observed.

Awaiting your early reply, or are,

Very respectfully,

(Signed) Mansfield, McMurray & Cornish.

South McAlester, Indian Territory, September 18, 1903.

The Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Dear Sirs:

In the matter of the application of R. C. McLendon for enrollment as a citizen of the Choctaw Nation R-206:

You advised us some days ago that this case had been remanded for further investigation and that we would be allowed until October 4, 1903 to submit any argument.

We are this day forwarding to the Commission, for transmission to the Honorable Secretary of the Interior a letter, in which we request on behalf of the Choctaw and Chickasaw Nations, that decisions in all contested Choctaw and Chickasaw Citizenship cases be deferred until the Choctaw and Chickasaw Citizenship Court passes upon cases pending before it involving parallel and identical questions.

The case of R. C. McLendon, Choctaw R. 206, above referred to is included in the classes to which this general request refers, and the purpose of this letter is to ask that no further action be taken relative thereto until such general request is acted upon.

Very respectfully,

(Signed) Mansfield, McMurray & Cornish.

Dictated.

Muskogee, Indian Territory, September 22, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, referring to a copy of the interrogatories which R. C. McLendon, applicant for enrollment as a citizen by blood of the Choctaw Nation, proposes to propound to certain witnesses.

In your letter you invite the attention of the Commission to the fact that this case is one which was remanded by the Secretary of the Interior with instructions to take further testimony, and in conclusion desire to be advised if any rule has been promulgated for the taking of this testimony in the form of depositions.

In reply to your inquiry you are advised that, under departmental instructions the Commission is required to accept for consideration evidence of any character that may be presented by applicants in support of their claims, and inasmuch as R. C. McLendon desires to take the testimony of these witnesses in the form of depositions, we can not see that we would be authorized to deny the reception and consideration thereof.

M McM & C 2

As has been heretofore suggested, the Commission is averse to the acceptance and consideration of testimony in the form of ex-parte affidavits and depositions and give but little weight to evidence of this character. Should we refuse to issue the commission for the taking of the depositions of the witnesses in this case it is more than probable that McLendon, or his attorneys, would present the matter to the Secretary of the Interior and we would eventually be directed to receive and consider such depositions. It is for this reason that, in the event all the papers are in proper form, a commission will be issued for the taking of such depositions, and it is suggested that you prepare and submit to this office as early as practicable such cross interrogatories as you may desire to file in this case.

Respectfully,

(Signed) Tams Bixby.

Chairman.

Commission to Take Depositions Upon Interrogatories.

**Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY.**

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer authorized to take Depositions:

Know YE, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine W. H. McCoy

as witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the identification as Mississippi Choctaw of enrollment of Robert Calwell McLendon as a citizen by blood of the Choctaw Nation.

THEREFORE, we desire that you cause the said witness h 1m to come before you; and, first duly swearing h 1m to testify the whole truth in the premises, that you examine h 1m upon the interrogatories and cross-interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness h 1m in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness h 1m and by h 1m subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness h 1m, unless both parties are present or represented by an agent or attorney, or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for identification on the one hand, and the Choctaw and Chickasaw Nations by their attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an indorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED) By T. R. NEEDLES
Commissioner in Charge.

Dated at Muskogee, Indian Territory, this 1st day of October A. D. 190 3

CAPTION OF DEPOSITIONS.

The Deposition of W. H. McCoy

taken on the day of 190 , between the hours of 8 o'clock A. M.
and 6 o'clock P. M., at the office of Geo. T. Putty
a Atty & Notary Public in the city of Mailew
in the Ind. Ter. , to be read in evidence in the matter of the
application of Robert Calwell McLendon, ~~for the identification of~~
~~self and his~~ ~~minor children~~ for enrollment as a citizen by blood
of the Choctaw Nation

~~as~~ ~~Mississippi Choctaw~~ , pending before the Commission to the Five Civilized Tribes and the
Department of the Interior.

7-R-206.

INDIAN TERRITORY SOUTHERN DISTRICT:

In the matter of the application of Robert Colwell McLendon for identification and enrollment as a Choctaw Indian by blood.

Deposition of W. H. McCoy taken before me in the town of Marlow, Ind. Ter. on the 7 day of Oct. 1903 to be read in evidence in support of the application of Robert Colwell McLendon for identification and enrollment as a Choctaw Indian by blood pending before the Commission to the Five Civilized Tribes at Muskogee, I.T.

Int. 1. State your name and age?

W. H. McCoy I am 55 years old.

Int. 2. State your post office address.

Marlow, I.T.

Int. 3. Do you know R. C. McLendon?

Yes sir.

Int. 4. Do you know what the R. and C. stand for in his name? The R. stands for Robert and I am informed that the C. stands for Colwell.

Int. 5. State if you know about how old R. C. McLendon is and how long you have known him?

About 7 yrs. he is about 41 or 42 yrs. old according to my judgment.

Int. 6. State if you know how R. C. McLendon signs his name?

I do not know how he signs his name.

Int. 7. Where were you on or about the 6 day of January A. D. 1897? In the city of Tuskahoma, Choctaw Nation Ind. Ter.

Int. 8. If you state that you were at Tuskahoma, I.T. on or about the 6th day of January A. D. 1897 state if you know whether the applicant R. C. McLendon was there or not?

He was not there.

Int. 9. Do you know whether Robert C. or R. C. McLendon was placed on the tribal rolls of the Choctaw Nation by the Choctaw Advisory Board at Tuskahoma, I.T. on or about the 6th day of January 1897? He was.

Int. 10. If you state that he was placed on said rolls state how you know he was placed on said rolls.

I was there at the time and I saw the certificate that was issued to him certifying that he was enrolled, while there Judge Lewis a member of the Indian Commission came to me and asked me if the names in my family were correct.

Int. 11. State if you know that R. C. McLendon who was enrolled by the Choctaw Revisory board as R. C. McLendon at Tusahoma, I.T. in January 1897 is the identical person who made application to the Commission to the Five Civilized Tribes in 1896 as Robert McLendon?

He was the identical person.

(Signed) W. H. McCoy.

Subscribed and sworn to before me this the 7 day of Oct. A. D. 1903.

(Signed) Geo. T. Putty,

Notary Public.

(Signed) Robert Colwell McLendon,
Applicant.

CERTIFICATE.

Ind. Ter }
Southern District }

I, Geo. J. Putty, Notary Public
within and for the Southern District of the I. T.
do certify that the foregoing Deposition of W. H. McCoy

w^{1m} taken before me and read to h^{1m} in my presence at the time and place and in the action
mentioned in the Caption, the said W. H. McCoy

having been first duly sworn by me that the evidence h^{1s} should give herein should be the truth,
the whole truth and nothing but the truth, and that h^{1s} statement w^{1s} reduced to writing
by me in h^{1s} presence (or by h^{1s} in my presence) the applicant ~~not~~ being present at the
examination *neither party were present*

(NOTE: Here fill in which of the parties were present at the examination and the manner in which they were present, whether in person or by attorney.)

Given under my hand and seal of office on this the 7 day of Oct. A. D. 1903

Geo. J. Putty
Notary Public
(Official Character.)

(Affix seal here.)

7-R-206.

The deposition of W. H. McCoy to be read in evidence in the matter of the application of Robert Caldwell-McLendon for enrollment as a citizen by blood of the Choctaw Nation before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

Geo. F. Pugh
Notary Public
(Official Character)

COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE,
INDIAN TERRITORY?

Department of the Interior.
Obedience to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.
OFFICIAL SWORNIN.
Penalty for private use, \$2000.

Commission to Take Depositions Upon Interrogatories.

CO
Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES in any officer authorized to take Depositions:

Know Ye, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine Wm. C. Thompson, Sr.,

as witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the Identification as Mississippi Choctaw of enrollment of Robert Calwell McLendon as a citizen by blood of the Choctaw Nation

THEREFORE, we desire that you cause the said witness to come before you; and, first duly swearing h iM. to testify the whole truth in the premises, that you examine h iM upon the interrogatories and cross-interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness and by h iM subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness, unless both parties are present or represented by an agent or attorney, or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for identification on the one hand, and the Choctaw and Chickasaw Nations by their attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an indorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES,
(Signed)

By T. B. NEEDLES,

Dated at Muskogee, Indian Territory, this 1st day of October, A. D. 190 3

CAPTION OF DEPOSITIONS.

The Deposition of Wm. C. Thompson, Sr.

taken on the 6 day of Oct. 1903, between the hours of 8 o'clock A. M.
and 6 o'clock P. M., at the office of Geo. T. Putty
a Atty & Notary Public in the city of Marlow
in the Ind. Ter., to be read in evidence in the matter of the
application of Robert Calwell McLendon ~~for the identification of~~
~~self and 2 minor children~~ for enrollment as a citizen by blood
of the Choctaw Nation

~~as Mississippi Choctaw~~, pending before the Commission to the Five Civilized Tribes and the
Department of the Interior.

7-R-206

INDIAN TERRITORY SOUTHERN DISTRICT:

In the matter of the application of Robert Colwell McLendon for identification and enrollment as a Choctaw Indian by blood.

Deposition of Wm. C. Thompson, Sr. taken before me in the town of Marlow on the 6 day of Oct 1903 to be read in evidence in support of the application of Robert Colwell McLendon for identification and enrollment as a Choctaw Indian by blood pending before the Commission to the Five Civilized Tribes at Muskogee, I.T.

Int. 1. State your name and age?

William C. Thompson, Sr.

Int. 2. State your post office address?

Marlow, I.T.

Int. 3. Do you know R. C. McLendon?

Yes.

Int. 4. Do you know what the R. and C. Stand for in his name?

Robert Colwell McLendon.

Int. 5. State if you know about how old R. C. McLendon is, and how long you have known him?

I have known him for the last 40 yrs., he is about 45 or 46 yrs. old.

Int. 6. State if you know how R. C. McLendon signs his name?

Sometimes he signs it Robert C. sometimes R. C. McLendon, very negligent about signing it.

Int. 7. Where were you on or about the 6th day of January A. D. 1897? In the city of Tuskahoma, Indian Territory.

Int. 8. If you state that you were at Tuskahoma, I.T. on or about the 6th day of January A. D. 1897, state if you know whether the applicant R. C. McLendon was there or not?

The applicant R. C. McLendon, was not there but his

application was presented to the Choctaw Revisory board, by through his brother Burrell F. McLendon.

Int. 9. Do you know whether Robert C. or R. C. McLendon was placed upon the tribal rolls of the Choctaw Nation by the Choctaw Revisory Board at Tuskahoma, I.T. on or about the 6th day of Jan'y 1897?

He was.

Int. 10. If you state that he was placed on said rolls state why you know he was placed on said rolls.

I was there looking after my own interest, and also that of his brother, Burrell F. McLendon I was present with the Commission, in company with ex Governor Wilson Jones, when Robert Colwell McLendon the applicant was enrolled.

Int. 11. State if you know that R. C. McLendon who was enrolled by the Choctaw Revisory Board as R. C. McLendon at Tuskahoma, I.T. in January 1897 is the identical person who made application to the Commission to the Five Civilized Tribes in 1896 as Robert McLendon.

He is the identical person.

(Signed) William C. Thompson, Sr.

Subscribed and sworn to before me this the 6 day of Oct 1903.

(Signed) Geo. T. Putty,
Notary Public.

(Signed) Robert Colwell McLendon.

CERTIFICATE.

Indian Ter.

Southern District

} ss.

I, Geo. T. Putty

Notary Public

within and for Southern District of the I.T.

do certify that the foregoing Deposition of Wm. C. Thompson, Sr.

was taken before me and read to him in my presence at the time and place and in the action mentioned in the Caption, the said Wm. C. Thompson, Sr.

having been first duly sworn by me that the evidence he should give herein should be the truth, the whole truth and nothing but the truth, and that his statement was reduced to writing by me in his presence (or by him in my presence) the applicant not being present at the examination

(NOTE: Here fill in which of the parties were present at the examination and the manner in which they were present, whether in person or by attorney.)

Given under my hand and seal of office on this the 6 day of Oct A. D. 1903

Geo. T. Putty

Notary Public.

(Affix seal here.)

(Official Character.)

7-R-206.

The deposition of William C. Thompson
Sr. to be read in evidence in the
matter of the application of Robert
Calwell-Melendon for enrollment
as a citizen by blood of the Choctaw
Nation before the Commission
to the Five Civilized Tribes at
Muskogee, Indian Territory.

Geo. J. Puffy
Notary Public
(Official Character)

COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE?
INDIAN TERRITORY.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Commission to Take Depositions Upon Interrogatories.

COPY.

Department of the Interior, Commission to the Five Civilized Tribes, MUSKOGEE, INDIAN TERRITORY.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer authorized to take Depositions:

Know Ye, that we, reposing confidence in your prudence and fidelity, do, by these presents, give unto you authority diligently to examine Burrell F. McLendon

as witness in a certain application now pending before the Commission to the Five Civilized Tribes, for the identification as Mississippi Choctaw of enrollment of Robert Calwell
McLendon as a citizen by blood of the Choctaw Nation.

THEREFORE, we desire that you cause the said witness to come before you; and, first duly swearing h. i. m. to testify the whole truth in the premises, that you examine h. i. m. upon the interrogatories and cross-interrogatories hereto annexed; and, that you cause said examination to be reduced to writing, either by yourself or by the witness in your presence, the answers to each interrogatory and cross-interrogatory to be inserted immediately underneath the respective questions, and the whole, when completed, to be read over to the witness and by h. i. m. subscribed; and, in taking said depositions, you will permit neither party, nor his agent or attorney, to be present at the examination of the witness, unless both parties are present or represented by an agent or attorney, or unless the opposite party, or his agent or attorney, has been seasonably notified of the time and place of taking the depositions, or the party attending has been notified by the opposite party to attend; and, that in the matter of this application the parties thereto are, the applicant or applicants for identification on the one hand, and the Choctaw and Chickasaw Nations by their attorneys on the other hand; and, when you shall have so taken the said depositions, then, that you send the same without delay, duly certified, with the commission, caption, interrogatories, exhibits and certificate attached, closed under your seal, with an endorsement on the envelope showing them to be depositions, and the style of the application in which they were taken, addressed to the undersigned at Muskogee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) By T. H. NEEDLES.

Dated at Muskogee, Indian Territory, this 1st day of October A. D. 1903

CAPTION OF DEPOSITIONS.

The Deposition of Burrell F. McLendon

taken on the 6 day of Oct 1903, between the hours of 8 o'clock A. M.
and 6 o'clock P. M., at the office of Geo. J. Putty
a Atty & Notary Public in the city of Marlow
in the Indian Ter-, to be read in evidence in the matter of the
application of Robert Caldwell McLendon ~~for the identification of~~
~~self and his minor children~~ for enrollment as a citizen by
blood of the Choctaw Nation

~~as Mississippi Choctaw~~ pending before the Commission to the Five Civilized Tribes and the
Department of the Interior.

7-R-206.

INDIAN TERRITORY SOUTHERN DISTRICT:

In the matter of the application of Robert Colwell McLendon for identification and enrollment as Choctaw Indian by blood.

Deposition of Burrell F. McLendon taken before me in the town of Marlow on the 6 day of Oct 1903 to be read in evidence and support of the application of Robert Colwell McLendon for identification and enrollment as a Choctaw Indian by blood pending before the Commission to the Five Civilized Tribes at Muskogee, I.T.

Int. 1. State your name and age.

Burrell F. McLendon.

Int. 2. State your Post Office address.

Arthur, I.T.

Int. 3. Do you know Robert Colwell McLendon if so what relationship exists between you and him.

I know him he is my brother.

Int. 4. How does he generally sign his name.

R. C. McLendon and sometimes Robert C. McLendon.

Int. 5. State if you know whether Robert Colwell McLendon your brother made application to the Choctaw authorities for Citizenship in the Choctaw Nation or tribe of Indians in 1896.

He did- But never received any notice from the Commission as to his acceptance or rejection.

(Signed) Burrell F. McLendon.

Subscribed and sworn to before me this the 6 day of Oct 1903.

(Signed) Geo. T. Putty.

(Signed) Robert Colwell McLendon,
Applicant.

CERTIFICATE.

Indian Territory }
Southern District }

I, Geo. J. Pully, Notary Public
within and for the Southern District of the I. T.
do certify that the foregoing Deposition of Burrell F. McLendon

was taken before me and read to him in my presence at the time and place and in the action
mentioned in the Caption, the said Burrell F. McLendon

having been first duly sworn by me that the evidence he should give herein should be the truth,
the whole truth and nothing but the truth, and that his statement was reduced to writing
by me in his presence (or by him in my presence) the applicant being present at the
examination

(NOTE: Here fill in which of the parties were present at the examination and the manner in which they were present,
whether in person or by attorney.)

Given under my hand and seal of office on this the 6 day of Oct. A. D. 1903

(Signed) Geo. J. Pully

Notary Public
(Official Character)

(Affix seal here.)

7-R-206.

The deposition of Burrell Y. Molendon to be read in evidence in the matter of the application of Robert Caldwell-Molendon for enrollment as a citizen by blood of the Choctaw Nation before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory.

G. J. Putty
Notary Public
(Official Character)

COMMISSION TO THE FIVE CIVILIZED TRIBES,

MUSKOGEE,

INDIAN TERRITORY.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Robert C. Melendon
Vs
Choctaw, Nation

C O P Y

IN THE MATTER of the application of Robert
C. Melendon for identification and enrollment
as a Mississippi Choctaw

This day came personally before me the undersigned authority a notary Public in and for the Southern District of the Indian Territory, one Robert C. Melendon to me well known and after being by me duly sworn deposes and says. That he is a Mississippi Choctaw by blood, and a leinent descendant of one Jim Jones a Choctaw Indian who came from some of the Eastern States in an early day to the old Choctaw Nation in Mississippi, that he had a nephew by Indian blood by the name of Woody Jones who married and as an issue of said marriage several children were born-to-wit:-

Hiram Jones, Starlin Jones, Woody Jones Jr. and Jerry Jones.

Hiram Jones my Grandfather married and as an issue of said marriage he had several children, one of which being Asha Jane Jones who in turn married John Melendon in the State of Mississippi and as an issue of said marriage, Cynthia, the wife of Chas Patrick Robert E., Ellie now the wife of Dan Boon, Burrell P., and John.

My said Great Great Grandfather, Woody Jones, he being the Father of My Grandfather, Hiram Jones lived in the State of Mississippi in the old Choctaw Nation in 1830 when the treaty was made between the United States and the Choctaw Nation at Dancing Rabbit Creek. My Great Great Grandfather Woody Jones made application to the U. S. Indian Agent Ward within the time perscribed by law for an assignment of land under the 14th article of the Treaty of 1830, and for causes unknown to me he failed to get the land and in a short time there after died, leaving my Grandfather Hiram Jones a lad some fifteen or eighteen years old.

(Signed) Robert C. Melendon.

COPY.

Indian Territory :
Southern District :

This day personally appeared before me the undersigned a notary public in and for the Southern District of the Indian Territory one Robert C. Melendon to me well known who after being by me duly sworn deposed and says that the facts set forth in the foregoing are true as he verily believes except as to information which I verily believe to be true.

(SIGNED) Robert C. Melendon

Subscribed and sworn to before me this the 6 day of Dec. A.D. 1902.

(SIGNED) Geo. T. Putty.
Notary Public.

(SEAL)

Robert C. McLendon +
vs +
Choctaw, Nation +
Indian Territory +
Southern District +

Before me the undersigned authority a notary public personally appeared Robert C. McLendon who after being by me duly sworn deposes and says: That he is the Son of Asa Jane Jones, who married McLendon that he is a Choctaw Indian by blood and that on or about the day of he made application to the Five Civilized Tribes for Identification and enrollment as a Mississippi Choctaw Indian and as a full Brother to Burrell F. McLendon who has made Application to the Five Civilized Tribes for a Commission to take the Depositions of William Jones and Stephen McGee both of the State of Texas, to be read in support of his Identification and enrollment as a Mississippi Choctaw Indian he hereby asks that the same depositions be read in support of his application for identification and enrollment as a Mississippi Choctaw Indian.

(SIGNED) Robert C McLendon

Subscribed and sworn to before me this the 14 day of Feb. 1903.

(SIGNED) W. C. Thompson
Notary Public

(SEAL)

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. February 10, 1903.

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In the matter of the enrollment of certain persons as citizens of the Choctaw Nation whose names are found upon the 1896 census roll of the citizens of the Choctaw Nation furnished the Commission to the Five Civilized Tribes and whose enrollment is claimed to have been without authority of law, the names of said persons having been placed upon the 1896 census roll by a so called revisory board after September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll persons as citizens of that tribe expired.

Melvin Cornish appearing for Mansfield, McMurray and Cornish, attorneys for the Choctaw and Chickasaw Nations:

Simon E. Lewis, called as a witness, after being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Simon E. Lewis.
Q What is your age? A Sixty-two.
Q What is your post office address? A McAllister.
Q Are you a citizen by blood of the Choctaw Nation? A Yes, sir.
Q Have you ever held any official positions in the Choctaw Nation?
A Yes; I have been Circuit Judge; District Attorney; District Collector and I was Chairman of the census enumerators in the first district and also acted as one of the revisory board in revising the census.
Q That was in 1896; in the preparation of the 1896 census roll? A
Yes; I am Chairman of the present Choctaw citizenship Commission.

Examination by Mr. Cornish.

- Q Judge Lewis, I will ask you if you have to-day under an examination of what purports to be the 1896 census roll of the citizens of the Choctaw Nation furnished the Commission to the Five Civilized Tribes? A Yes, sir.

- Q I will ask you when the list of names, this day designated by you, and appearing in the face of your testimony, were first placed upon this roll and under what circumstances:

9490 R. C. McClendon

A In September 1896 the General Council of the Choctaw Nation was called in special session and an act passed creating a board of census enumerators to make up a census roll of the recognized citizens of the Choctaw Nation. I was a member of the Commission appointed for the Chickasaw District of the Choctaw Nation. The first act was passed and approved on September 18, 1896 and provided that Commissioners should be appointed to enroll all recognized citizens of the Choctaw Nation. Report was made to the regular session of the Choctaw Council by this Commission but by reason of inactivities in their work it was deemed best to pass another act creating another Commission, which was done. This act was passed and approved on October 30, 1896. All of the persons whose names are set out above were never recognized as citizens of the Choctaw Nation and their names were placed upon what purports to be the 1896 census roll only in pursuance and under the provisions of the act of September 18, 1896 and October 30, 1896. Some of these names were placed upon the temporary rolls of the census enumerators and some of them placed on the roll in the first instance by what was known as the revisory board created under the second act above referred to, and some of them, some sixty-three in number, were added by one A. R. Durant, who took the temporary roll of the third district to Paris, Texas, he being Chairman of the revisory board, without the co-operation, knowledge or consent of the other members of the revisory board.

By the Commission:

- Q Judge, who were the members of the revisory board? A. A. R. Durant was the Chairman and Ben Watkins was from the second district and myself from the other.
- Q How many members did the act provide to constitute that board? A Three.
- Q When was that board to meet? A They were to meet under the act on the first Monday in December 1896; that is I assisted M. B. Ainsworth in drafting the bill but they held the bill up so long in the Council that it held us over until December. The second district had seven counties and it took them two days in December until they got through.
- Q How much time under the act creating the revisory board was granted the members in which to perform their official acts? A They were allowed a week in each County.
- Q That was the enumerators? A Yes; and ten days to revise.
- Q The revisory board did not meet the first Monday in December as provided by the act? A No, sir.
- Q When did they first meet? A It was about the 22nd of December.
- Q How long was that board in session? A I think they stayed there three days and adjourned until the first Monday in January.
- Q Did they reconvene in January? A Yes, sir.
- Q How long were you in session there? A We carried out the other seven days.
- Q How after the adjournment of the second meeting the work of the revisory board as authorized by the act was completed? A Yes; we completed it.
- Q How were the names added by the Chairman of the board added after the adjournment of that second meeting? A Some of them before and some of them after.

- Q Did you have any knowledge of the names added by Durant? A No, sir; none only this man Thompson and there were four families, - Ryan, and A. A. Spring, I knew of them.
- Q Durant added these names and then submitted them to the other members of the revisory board? A Yes, sir.

By Mr. Cornish:

- Q That is some of them? A Yes; these others I don't know anything about them.
- Q These sixty-three? A Oh! they were added after the board adjourned, I don't know when he put them on in fact, --At the regular session of the Council in 1897 an act was passed creating the present citizenship Commission of which I am Chairman whose duty it was to sit with the Dawes Commission and render assistance in making up the final citizenship rolls. Information came to this Commission as to the fact that a great number of names had been added to our roll by the census enumerators and the revisory board above referred to. This Commission also understood that power to admit to citizenship by either the Commission to the Five Civilized Tribes or the tribal authorities expired on September 10, 1896. For the reason that many names had been wrongfully added as above stated and for the further reason that this Commission understood that whether rightfully or wrongfully, their names had been added without authority of law it was decided to go through the roll theretofore made up and note the names of those that had been added. This was done at Red Oak and Atoka by a Commission composed of Green McCurtain, Chairman, myself, Simon E. Lewis and Robert J. Ward from the first district; G. W. Dukes and Robert Taylor from the second district and J. C. Folsom and J. C. Hampton from the third. A. Telle of Atoka was Secretary of the Commission. Notations were made on the 1896 roll opposite the names of those persons who had been added after September 10, 1896 and from such notations and from my personal knowledge I have taken such names from such roll and included them in this statement.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on February 10, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

(Signed) G. ROSENWINKEL.

Subscribed and sworn to before me this 11 day of February 1903.

(Signed) CHARLES H. SAWYER,
Notary Public.

---0---

I, Josie Davies, hereby certify that the above and foregoing is a full, true and correct copy of the original testimony of Simon E. Lewis now on file in this office.

Josie Davies

Subscribed and sworn to before me this 16th day of October, 1903.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert C. Melanson, as a citizen by blood of the Choctaw Nation.

---: D E C I S I O N :---

On December 1, 1902, the Commission transmitted the record in the case of Robert C. Melanson, together with its decision, wherein the Commission held that the applicant was not entitled to enrollment as a citizen of the Choctaw Nation.

The Department, with its letter of June 13, 1903, (I.T.B. 4870-1903), returned the record herewith forwarded with instructions that investigation be made in order to ascertain whether or not the applicant herein is identical with the R. C. Melanson whose name appears upon the 1855 Choctaw census roll.

In accordance with such instructions the applicant, Melanson, and the attorneys for the Choctaw and Chickasaw Nations were, on September 2, 1903, notified that they would be allowed up to and including October 1, 1903, in which to submit arguments, copy of such argument to be served upon the opposite party. On September 16, 1903, the applicant herein filed his affidavit for the taking of the depositions of Mr. G. Thompson, Sr., Mr. H. H. Harty and David F. Melanson, and subsequent thereto, on October 2, 1903, depositions were taken for the taking of such depositions and the same were

been returned and filed herewith.

The applicant herein has also filed his affidavit wherein he states that he is a Mississippi Choctaw Indian and a descendant of Woody Jones, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in the old Choctaw Nation in Mississippi and Alabama, in eighteen hundred and thirty, and when it is alleged signified his intention to Colonel Ward to take land under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty. The applicant further states that he is a lineal descendant of one Jim Jones, a Choctaw Indian, who was an uncle of the ancestor above named. Much being the case it would be impossible for the applicant herein to be a lineal descendant of the Jim Jones above mentioned. However, in order that every possible right this applicant may have by reason of such descent, Jim Jones will also be treated as an ancestor through whom the applicant herein derives his Choctaw blood.

It appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the applicant herein has never been admitted to Choctaw Citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a court of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 18, 1906 (34 Stat., 221), nor does his name appear upon any of the tribal rolls of the Choctaw Nation, with the exception of the 1905 Choctaw census roll, which enrollment is hereinafter conclusively shown to have been without authority of law.

It appears that on September 9, 1906, an application was

made to the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship by blood of the Choctaw Nation of Robert McLendon (1896 Choctaw citizenship case No. 1235) and on December 8, 1896, this Commission rendered its decision therein refusing said application, from which decision no appeal has been taken.

It appears that on January 6, 1897, Robert U. McLendon (as R. C. McLendon), made application to the so-called board of Commissioners, appointed under an act of the Choctaw council approved October 30, 1896, and was by said board admitted as a citizen by blood of the Choctaw Nation and his name ordered placed upon the Choctaw census roll of 1896, being No. 9490. Such application was made subsequent to the rendition by this Commission of its decision of December 8, 1896, wherein the rights of said applicant had been fully adjudicated and had become a matter res adjudicata; and having thus been judicially determined the so-called board of Commissioners of the Choctaw Nation had no authority to again pass upon said application. Furthermore, said board had no legal existence, having been created subsequent to September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll persons as citizens of that tribe had expired, as provided in the act of June 10, 1896 (29 Stats., 321).

Section twenty-one of the act of Congress approved June 22, 1896 (29 Stats., 495), entitled "An act for the protection of the people of Indian Territory, and other purposes," commonly known as the "Durtis Act," provides:

"Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, and making from the tribal rolls such names as may have been placed

thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribe."

The evidence herein is conclusive to the fact that the name of said applicant was placed upon the 1896 Choctaw census roll without authority of law and should, therefore, be eliminated and stricken therefrom.

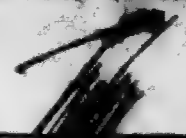
It is found that the name Jenny Jones appears on page 273 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742, in a list of names proved in Captain Whistahama's Company, but it does not appear from the evidence submitted by the applicant herein that the Jim Jones, through whom he claims, is the identical Jenny Jones whose name appears in the record above cited.


It is further found that the name James Jones appears on page 118 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood LeFlore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the time of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive designated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name James Jones is also found on page 130 of said record in "a list of claims allowed under the treaty in Greenwood LeFlore's district," apparently under the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

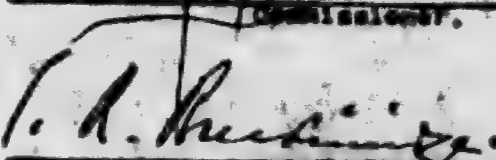
It does not appear from the evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Jones, or Woody Jones, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that Robert C. Malandon is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory under the provisions of the act of Congress approved June 25, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



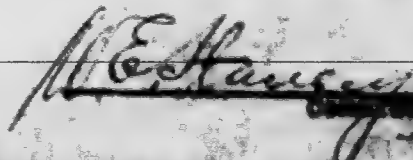
Chairman.


Commissioner.


L. A. Harrison,
Commissioner.

Washita, Indian Territory.

NOV 3 11 1903



M. E. Hanger,
Commissioner.

7-R 206

Muskogee, Indian Territory, November 30, 1903.

Robert C. McLendon,

Comanche, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission, dated November 30, 1903, refusing your application for enrollment as a citizen of the Choctaw Nation.

The decision, together with a copy of the proceedings had in this case, is this day forwarded to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. F. H. 68.

Muskogee, Indian Territory, November 30, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes, refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation.

The decision, together with a copy of the proceedings had in this case, is this day forwarded to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. F. H. 69.

7-2203.

Muskogee, Indian Territory, November 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed you herewith the decision of the Commission refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation, dated November 30, 1903, together with the record of the proceedings had in this case.

On December 1, 1902, the Commission to the Five Civilized Tribes rendered its decision refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation and on the same date the record was transmitted to the Secretary of the Interior.

On June 13, 1903, the Secretary of the Interior returned the record in this case for further action. The original record and the decision of the Commission of December 1, 1902, refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation, together with the subsequent proceedings had under Departmental instructions of June 13, 1903, are transmitted herewith.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. 7. E. 71.

Chairman.

Land.
78286-1902
18884-1904

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 29, 1904.

(COPY).

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 18, 1904, I.T.D. 2194, I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated November 30, 1903, transmitting the record relative to the application of Robert C. Melenden for enrollment as a citizen of the Choctaw Nation.

February 5, 1904, the Commission transmitted the request of the attorneys for the Choctaw and Chickasaw Nations that this case be not passed upon until after the citizenship court had passed upon the case of Julia London et al. The citizenship court has heretofore decided the Julia London case adverse to the contentions of the applicants, and the office knows of no reason why the right of the applicant herein to enrollment should not now be finally determined. There was recently filed in this case, by Winburn Jones, in behalf of this applicant, a request that in connection with the record in the case "all of the testimony, affidavits, and depositions filed in the said W. C. Thompson application" be considered.

W. C. Thompson is an applicant for identification as a Muskogean Choctaw. In this request it is stated that in 1892, the applicant applied to the Commission for identification as a citizen of the Choctaw Nation, and that he also made application to the Choctaw authorities, and

-2-

C. Holston and A. C. Holston made application to the board of Commissioners, appointed under act of the National Council of the Cherokee Nation, approved October 30, 1898, for admission to citizenship, and that he was admitted by this board. This application was made after the Commission had decided that the applicant was not entitled to admission and the board did not have any legal existence, as the time within which applications could be made, in accordance with the provisions of the act of June 19, 1898, had expired. The applicant has never been lawfully admitted to citizenship in the Cherokee Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court, and he is not, therefore, entitled to enrollment as a citizen by blood of the Cherokee Nation.

With reference to his application for identification as a Mississippi Choctaw, he claims to be a lineal descendant of Jim Jones, who was an uncle of Woody Jones. Woody Jones was the great grand-father of the applicant and the father of Hiram Jones, who was the grandfather of Robert Holston. Anna Jane Holston, nee Jones, daughter of Hiram Jones, was the mother of the applicant. In the applicant's affidavit it is stated that for causes unknown to him his ^{great} grand-father, Woody Jones failed to get land, in accordance with the provisions of the fourteenth article of the treaty of 1830; that he died soon after he made his application to William Ward, the then agent (flouring my grand-father, Hiram Jones, a lad some fifteen or eighteen years old."

It will be observed that the applicant says Woody Jones was his great great grand-father. From the testimony in the case it appears

-4-

that Woody Jones was the great grand-father of the applicant.

Robert C. Melendon is not entitled to enrollment by reason of descent from Woody Jones, Hiram Jones, or Aaba Jane Melendon, nee Jones, as the records of this office do not show that any person by either of said names complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. He, however, claims his right from Jim Jones, who it appears from the record was the uncle of Woody Jones, great grand-father of the applicant.

The Commission invites attention to the fact that the name of James Jones appears on page 273, of volume one of claimant's brief and evidence in the case of the Choctaw nation vs the United States before the Court of claims, and say that the name James Jones appears on page 136, volume VII, American State Papers, public lands, in a list of names of Choctaw Indians, heads of families who resided in Greenwood Lefflore District in that part of the states of Alabama and Mississippi occupied by the Choctaw Indians at the time the treaty of 1830 was entered into. Even if Jim Jones had complied with the provisions of the fourteenth article of the treaty, this applicant would not be entitled to enrollment, as he is not a direct descendant of ^{said} Jim Jones.

However, the records of this office, book 65, page 203, "Brown and Klammann's Notes, of proceedings in certifying Choctaw claims in Mississippi," show that James Jones got land under the nineteenth article of the treaty, and that he "was a half breed." He was given the 12/3, 24/3 and 36/3 of Sec. 5, T. 25, S. 30 E.

James Jones, mentioned by the Commission, was the child of a white man, and was married early in life to a Choctaw woman, and there is

nothing in the record either for any authority to make or that the
subject is a descendant of John Smith.

In view of the foregoing it is respectfully recommended that the
Secretary of the Committee be requested to be the one to determine if any
of the records of this office contain a name John or Johnson and
return.

Very respectfully,

A. C. Taylor,

Acting Commissioner.

RECEIVED-1904.
JUL 10 1904.
L.A.L.

DEPARTMENT OF THE INTERIOR, (COPY). J.V.L. FOR
WASHINGTON,
July 7, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

With your communication of November 30, 1903, you transmitted the record in the Cheateau enrollment case of Robert C. Malenick (T-B-206).

This applicant seeks enrollment as a Cheateau by blood. He also claims that he is entitled to identification as a Mississippi Cheateau.

Both of these claims were considered in your decision of November 30, 1903, which was adverse to the applicant.

Reporting in the matter April 29, 1904, the Acting Commissioner of Indian Affairs discusses in detail the questions of fact and law involved, and recommends that your decision be approved.

It is noted that in said decision you refer to the date, September 10, 1864, as "the time when the jurisdiction of the Cheateau Nation to admit and enroll members as citizens of that tribe" expired. The act of June 18, 1864 (13 Stat., 521), provides that

"Any person who shall claim to be entitled to be added to said rolls as a citizen of either of said tribes, and whose right therein has either been denied or not been used, or any citizen who may within three months from and after the passage of this act desire such citizenship, may apply to the locally constituted courts or committee designated by the National tribes for such citizenship, and such court or committee shall determine each application within thirty days from the date thereof."

From the material quoted it will be seen that the tribal enrollment was authorized to continue until September 10, 1904.

1934, and is entering the book at my side within thirty days after
letter. It is your language that should be used, you should be told that the
Board of Directors will have jurisdiction to "authorize" application
after September 30, 1934, which has been very much stated in said letter.
such holding would be contrary to the plain letter of the law and would
be wrong.

Except as herein indicated, your decision is affirmed.

A copy of the Mining Commissioner's letter is inclosed.

Respectfully,

THOM. AYER,

Acting Secretary.

2 inclosures.

Chapter 11-204
COPY.

Washago, Indian Territory, July 19, 1904.

Robert C. McLendon,

Ocmawoke, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on July 7, 1904, affirmed the decision of this Commission, dated November 30, 1903, refusing your application for identification as a Mississippi Choctaw, and also for enrollment as a citizen of the Choctaw Nation, copy of which decision has been heretofore furnished you.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

Upstart 2-224
COPY.

Waskogee, Indian Territory, July 18, 1904.

Hanfield, McHurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that the Secretary of the Interior, on July 7, 1904, affirmed the decision of this Commission, dated November 30, 1904, refusing the application of Robert C. McLondon for identification as a Mississippi Choctaw, and also for enrollment as a citizen of the Choctaw Nation.

Respectfully,
SIGNED

T. B. Needles.

Commissioner in Charge.

Chester B-204
COPY.

Mustagee, Indian Territory, July 19, 1904.

Winburn Jones,

Marlow, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on July 7, 1904, affirmed the decision of this Commission, dated November 30, 1903, refusing the application of Robert G. Holandas for identification as a Mississippi Choctaw and also for enrollment as a citizen of the Choctaw Nation.

Respectfully,

Very truly,
Yours

T. B. Needles.

Commissioner in Charge.

Choctaw R-206

Muskogee, Indian Territory, December 1, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application for the enrollment of Robert C. McLendon as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(Signed) TAMS BIXBY,

Acting Chairman.

Enc. MT 16

Choctaw R-206.

Muskogee, Indian Territory, December 1, 1902.

Robert C. McLendon,

Comanche, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes denying the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Registered.

Enc. MT 15.

(Signed) TAMS NIXBY.
Acting Chairman.

(COPY)

Choctaw-R-203

Muskogee, Indian Territory, September 2, 1903

Robert C. McLendon,
Comanche, Indian Territory.

Dear Sir:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of your application for enrollment as a citizen of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1903, for the submission of argument, copy of such argument to be served upon the opposite party.

You are further advised that the attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray & Cornish, at South McAlester, Indian Territory.

A Copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

[Signed] JAMES BERRY,

Chairman.

Enc. WFW-2/7

(COPY)

Choctaw-R-206.

Muskogee, Indian Territory, September 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Commission has been instructed to advise you that the Commissioner of Indian Affairs has recommended that the record in the matter of the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation be returned for further investigation, and you have been allowed thirty days from this date, or up to and inclusive of October 4, 1903, for the submission of argument, copy of such argument to be served upon the opposite party whose postoffice address is Comanche, Indian Territory.

A copy of the Department's letter, together with a copy of the report of the Commissioner of Indian Affairs in this case, is enclosed herewith.

Respectfully,

(Signed)

Tamr Bixby,
Chairman.

Enc. WFW-2/8

7-R-206.

Muskogee, Indian Territory, March 14, 1903.

Robert C. McLendon,

Comanche, Indian Territory.

Dear Sir:

The Commission is in receipt of your affidavit sworn and subscribed to before George T. Putty, on December 6, 1902, in which you allege that you are a Mississippi Choctaw by blood and a descendant of one Jim Jones, a Choctaw Indian, who came from some of the eastern states in an early day to the old Choctaw Nation in Mississippi; that your grandfather Hiram Jones lived in the state of Mississippi in the old Choctaw Nation in 1830 when the treaty was made between the United States government and the Choctaw Nation at Dancing Rabbit Creek; that your great-great-grandfather, Woody Jones "made application to the U. S. Indian Agent Ward within the time prescribed by law, for an assignment of land under the fourteenth article of the treaty of 1830."

The Commission is also in receipt of your two affidavits dated February 14, 1903, accompanied with direct interrogatories to be propounded to Stephen McGee and William Jones and proof of service of the same on Mansfield, McMurray & Coraish, attorneys for the Choctaw and Chickasaw Nations. Said interrogatories to be offered in support of your claim as a Mississippi Choctaw.

R C McL 2

You are informed that it appears from the records of the Commission that you submitted to this Commission an application for enrollment as a citizen by blood of the Choctaw Nation and that the Commission, on December 1, 1902, rendered its decision refusing you enrollment, and on the same date you were notified by registered mail of the action of the Commission and a copy of said decision was forwarded you. You were also notified that the record in your case was on that date transmitted to the Secretary of the Interior.

It does not appear from our records that any personal application has ever been made by you for identification as a Mississippi Choctaw and you are advised that until such personal application is made the Commission cannot receive or consider any evidence in support of your claim as a Mississippi Choctaw/

The documents above referred to are therefore herewith returned and your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear ap-

R C McL S

plications for identification as Mississippi Choctaws until March
25, 1903.

Respectfully,

McL 103

Chairman.

(COPY)

South McAlester, Indian Territory, September 16, 1903.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sirs:

We have just been served with copy of interrogatories which R. C. McLendon, applicant for citizenship in the Choctaw Nation, by blood, or No. 206, proposes to propound to witnesses Burnett F. McLendon, William C. Thompson, Sr., and W. H. McCoy.

This is a case which was remanded to the Commission Honorable by the Secretary of the Interior, under date June 13, 1903, with instructions to take further testimony.

We do not understand that the Commission has held that testimony in the class of cases to which this case belongs can be taken by depositions in form of interrogatories or otherwise.

We will thank the Commission to advise us immediately upon receipt of this letter if any rule has been promulgated for the taking of this testimony in the form of depositions. It has been our contention always, and is at this time, that witnesses in these cases shall appear before the Commission to give testimony orally, in order that they may be cross-examined, and in order that their appearance and manner of testifying may be observed.

Awaiting your early reply, we are,

Very respectfully,
(Signed) Mansfield, Mather & Service.

(COPY)

South McAlester, Indian Territory, September 18, 1903.

The Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Dear Sirs:

In the matter of the application of R. C. McLendon for enrollment as a citizen of the Choctaw Nation R 206:

You advised us some days ago that this case had been remanded for further investigation, and that we would be allowed until October 4, 1903, to submit any argument.

We are this day forwarding to the Commission, for transmission to the Honorable Secretary of the Interior a letter, in which we request on behalf of the Choctaw and Chickasaw Nations, that decisions in all contested Choctaw and Chickasaw Citizenship cases be deferred until the Choctaw and Chickasaw Citizenship Court passes upon cases pending before it involving parallel and identical questions.

The case of R. C. McLendon, Choctaw R. 206, above referred to is included in the classes to which this general request refers, and the purpose of this letter is to ask that no further action be taken relative thereto until such general request is acted upon.

Very respectfully,

Dictated.

(Signed) Mansfield, McMurray & Gornish.

7-R-506.

COPY.

Muskogee, Indian Territory, October 16, 1903.

Robert C. McLendon,
Comanche, Indian Territory.

Dear Sir:

On March 14, 1903, this Commission returned to you your affidavit sworn and subscribed to before Geo. T. Putty on December 6, 1902, in which you alleged that you are a descendant of one Jim Jones, a Choctaw Indian, who came from some of the eastern states in an early day to the old Choctaw Nation in Mississippi; that your grandfather, Hiram Jones, lived in the state of Mississippi in the old Choctaw Nation in 1830 when the treaty was made between the United States government and the Choctaw Nation at Dancing Rabbit Creek; that your great-grandfather, Woody Jones, "made application to the United States Indian Agent within the time prescribed by law for an assignment of land under the 14th article of the treaty of 1830."

It is desired that you return said affidavit to this Commission at your earliest convenience and if same cannot be procured a new affidavit setting forth your claim to rights as a Mississippi Choctaw should be forwarded.

Respectfully,

SIGNED *T.B. Needles.*

Commissioner in Charge.

7-B-206

COPY.

Muskogee, Indian Territory, November 12, 1903.

Robert McLendon,

Arthur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, 1903, enclosing the affidavits of yourself and Burrell F. McLendon, together with interrogatories to be propounded to William Jones and Steven McGee.

The affidavits of Burrell F. McLendon and interrogatories are herewith returned for the reason that the depositions of these witnesses have already been taken and filed in the case of Burrell F. McLendon, and copies of the same have been made and filed in your case according to your request contained in one of your affidavits.

Respectfully,

SIGNED *Tame Birby*

Chairman.

COPY.

Muskogee, Indian Territory, November 13, 1903.

Robert C. Molendon,

Arthur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 7, 1903, enclosing the affidavits of yourself and Burrel F. Molendon, together with interrogatories to be propounded to William Jones and Steven McGee. The affidavits of Burrel F. Molendon and interrogatories are herewith returned for the reason that it does not appear from our records that you have ever made application for identification as a Mississippi Choctaw, as provided in rule 2 of the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws.

Respectfully,

SIGNED *Tame Bixby*

Chairman.

J D 23

COPY.

Muskogee, Indian Territory, February 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On December 1, 1902, the Commission rendered a decision, denying the application for the enrollment of Robert C. McLendon as a citizen of the Choctaw Nation, and on the same date the record in the case and the decision of the Commission therein were forwarded the Department, and the applicant and the attorneys for the Choctaw and Chickasaw Nations were also notified of the action of the Commission in denying said application.

On June 13, 1903, the Secretary of the Interior returned the record in this case for further action.

On November 20, 1903, the Commission rendered a decision denying the application of said Robert C. McLendon for enrollment as a citizen of the Choctaw Nation, and the original record and the decision of the Commission of December 1, 1902, refusing the application of said Robert C. McLendon for enrollment as a citizen of the Choctaw Nation, together with the subsequent proceedings had under departmental instructions of June 13, 1903 and the decision of the Commission of November 20, 1903, were transmitted to the Department.

The Commission is now in receipt of a request by the

Secretary S

attorneys for the Cherokee and Chickasaw Nations, on behalf of said nations, that final decision in this case be postponed until final decision by the Cherokee and Chickasaw Citizenship Court in the case of Julia London, et al., vs. Cherokee and Chickasaw Nations, No. 28 in the South Hallister District.

Said request is transmitted herewith.

Respectfully,

SIGNED *T. B. Needles.*

Commissioner in Charge.

Through the Commissioner
of Indian Affairs,
1 enclosure (U. S. 7-2-226)

7-2-206.

COPY.

Washoe, Indian Territory, February 6, 1904.

Robert C. McLendon,

Comanche, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a citizen of the Choctaw Nation, you are advised that the attorneys for the Choctaw and Chickasaw Nations have this day transmitted to the Honorable Secretary of the Interior through the Commission a request that final decision in your case be postponed until final decision by the Choctaw and Chickasaw Citizenship Court in the case of Julia Landon, et al., vs. Choctaw and Chickasaw Nations, No. 88 on the South McAlester Docket.

Respectfully,

SIGNED *F. B. Needles*

Commissioner in Charge.

1896, and to determine the same at any time within thirty days after date. If by your language above quoted, you intend to hold that the Chester Nation did not have jurisdiction to "determine" applications after September 10, 1896, which had been duly filed prior to said date, such holding would be contrary to the plain letter of the law and erroneous.

Except as herein indicated, your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

SIGNED THIS, 17TH,

Acting Secretary.

1 Inclosure.

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100-1000

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON, April 27, 1904

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 18, 1904, I.T.D. 2194, I have the honor to enclose a report from the Commission to the Five Civilized Tribes dated November 20, 1903, transmitting the record relative to the application of Robert C. Melanson for enrollment as a citizen of the Choctaw Nation.

February 6, 1904, the Commission transmitted the request of the attorneys for the Choctaw and Chickasaw Nations that this case be not passed upon until after the citizenship court had passed upon the case of Julia London et al. The citizenship court has heretofore decided the Julia London case adverse to the contentions of the applicants, and the office knows of no reason why the right of the applicant herein to enrollment should not now be finally determined. There was recently filed in this case, by Winburn Jones, in behalf of this applicant, a request that in connection with the record in the case "all of the testimony, affidavits, and depositions filed in the said W. C. Thompson application" be considered.

W. C. Thompson is an applicant for identification as a Mississippi Choctaw. In this request it is stated that in 1885, the applicant applied to the Commission for admission to citizenship in the Choctaw Nation, and that he also made application to the Choctaw authorities, and was admitted to citizenship in that nation in January 9, 1886. He then

says that after the passage of the "Mississippi Cheetaw Act" he made application for identification as a Mississippi Cheetaw without any intention of ignoring or foregoing any of his "rights under my enrollment by the Cheetaw Advisory Board, or my former application to the Dawes Commission."

November 30, 1903, the Commission held that the applicant was not entitled to enrollment as a citizen of the Cheetaw tribe. June 4, 1903, the office transmitted the Commission's first decision in this case, of December 1, 1902, and the papers relating thereto, wherein it was held that the applicant was not entitled to enrollment. The record as then made showed that "the applicant was on the 1896 roll, p. 239, as R. C. McLendon, and the applicant testified that he was enrolled in 1896 or early in January, 1897."

From the record and the Commission's decision it seemed that two persons had applied to the Commission for enrollment, the applicant, Robert C. McLendon, and one R. G. McLendon, and it was recommended that the case be remanded to the Commission with instructions to ascertain whether this applicant and the person whose name appears upon the 1896 roll as R. G. McLendon are one and the same person. The record was returned to the Commission June 12, 1903, I.T.D. 4870. From the record now before the office it appears that on September 2, 1904, the applicant, under the name of Robert McLendon, applied to the Commission for admission to citizenship in the Cheetaw Nation, in accordance with the provisions of the act of June 10, 1900, ^{that on December 8, 1896,} the Commission decided that the applicant was not entitled to citizenship, and that no appeal was taken from that decision. It further appears that in January 4, 1905, Robert

C. Melonden and R. C. Melonden made application to the board of Commissioners, appointed under an act of the National Council of the Choctaw Nation, approved October 30, 1896, for admission to citizenship, and that he was admitted by this board. This application was made after the Commission had decided that the applicant was not entitled to admission and the board did not have any legal existence, as the time within which applications could be made, in accordance with the provisions of the act of June 10, 1896, had expired. The applicant has never been lawfully admitted to citizenship in the Choctaw Nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court, and he is not, therefore, entitled to enrollment as a citizen by blood of the Choctaw Nation.

With reference to his application for identification as a Mississippi Choctaw, he claims to be a lineal descendant of Jim Jones, who was an uncle of Woody Jones. Woody Jones was the great grand-father of the applicant and the father of Hiram Jones, who was the grandfather of Robert Melonden. Anna Jane Melonden, nee Jones, daughter of Hiram Jones, was the mother of the applicant. In the applicant's affidavit it is stated that for causes unknown to him his ^{great} grand-father, Woody Jones failed to get land, in accordance with the provisions of the fourteenth article of the treaty of 1830; that he died soon after he made his application to William Ward, the then agent (leaving my grand-father, Hiram Jones, a lad some fifteen or eighteen years old."

It will be observed that the applicant says Woody Jones was his great great grand-father. From the testimony in the case it appears

that Woody Jones was the great grand-father of the applicant.

Robert C. Melendon is not entitled to enrollment by reason of descent from Woody Jones, Hiram Jones, or Asha Jane Melendon, now Jones, as the records of this office do not show that any person by either of said names complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1832. He, however, claims his right from Jim Jones, who it appears from the record was the uncle of Woody Jones, great grand-father of the applicant.

The Commission invites attention to the fact that the name of Jimmy Jones appears on page 271, of volume one of claimant's brief and evidence in the case of the Choctaw nation vs the United States before the Court of claims, and say that the name James Jones appears on page 126, volume VII, American State Papers, public lands, in a list of names of Choctaw Indians, heads of families who resided in Greenwood Leffler District in that part of the states of Alabama and Mississippi occupied by the Choctaw Indians at the time the treaty of 1832 was entered into. Even if Jim Jones had complied with the provisions of the fourteenth article of the treaty, this applicant would not be entitled to enrollment, as he is not a direct descendant ^{said} of Jim Jones.

However, the records of this office, book 93, page 125, "Gren and Hinsonman's Notes, of proceedings in certifying Choctaw claims in Mississippi," show that James Jones got land under the sixteenth article of the treaty, and that he "was a half breed." He was given the 12 1/2, 12 1/2 and 12 1/2 of Sec. 2, T. 12, R. 10 E.

Jimmy Jones, mentioned by the Commission, was the grandchild of the applicant, and was married early in life to Mary, and there is

attached in the folder which has my signature is attached that this applicant is a descendant of James Jones.

In view of the foregoing it is respectfully recommended that the Registrar of the Consulate General to the applicant be approved. A copy of the report of this investigation is being sent to the Bureau for information.

Very respectfully,

SIGNED: A. J. Jones,

Acting Consul General.

5-15-3

DC.20044-1904.
ITD.5032-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON

(COPY).

J.W.H.
FHE.

July 26, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 22, 1904, the Acting Commissioner of Indian Affairs, a copy of whose letter is inclosed herewith, transmitted a communication from Chester Howe, attorney at law in this city, inclosing a motion for a review of departmental decision of July 7, 1904 in the Choctaw enrollment case of Robert G. McLondon et al; also a motion requesting the consolidation of said case with that of W. C. Thompson et al, which is now pending before the Department.

You are requested to take such steps as may be necessary to protect the rights, if any, of the applicants in the McLondon case to the improved lands claimed by them until final action shall be taken in reference to said motion for review. In this connection see departmental letter of June 4, 1904, relative to the right of William C. Thompson to file contest concerning the lands claimed by him.

Respectfully,
SIGNED, J.W.H.

Acting Secretary.

2 inclosures.

Land.
44978-1904.
47280-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 22, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 7, 1904, (I. T.D. 3610-1904), there is enclosed herewith a communication from Chester Howe, Esq., an attorney of this city, forwarding motion for the consolidation of the cases of Robert C. McLendon and B. F. McLendon with the consolidated case of W. C. Thompson et al. Also motion for review of the decision of the Department in the Robert C. McLendon case.

The record in the Robert C. McLendon case is enclosed.

Mr. Howe requests that the Commission to the Five Civilized Tribes be notified of the filing of the motions mentioned and that they be directed not to take any steps with relation to the land claimed by said McLendon until the Department shall have passed upon said motions.

Very respectfully,

SIGNED A. G. Fennor,

Acting Commissioner.

CAV-X.

COPY.

Choctaw 2 253

Muskogee, Indian Territory, August 2, 1904.

Commissioner in Charge,

Chickasaw Land Office,

Tishomingo, Indian Territory,

Dear Sir:

For the information of your office there is inclosed herewith copy of Departmental communication of July 26, 1904, (I.T.D. 5932-1904) directing the Commission to protect the rights, if any, of the applicants in the case of Robert C. McLendon, et al. until final action be taken by the Department on a motion for review in this case.

It appears from our records that on July 7, 1904, the Secretary of the Interior affirmed the decision of the Commission refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation and on July 19, 1904, your office was notified of such Departmental action.

You will, in accordance with the instructions of the Department of July 26, 1904, make proper notation of the claim of Robert C. McLendon and E. F. McLendon, et al. to lands on which their improvements are located, and also permit them to make application for each land, for the purpose of instituting contest, if it is so desired.

Mississippi 1933

You are advised that the name of Robert C. Melendon appears on the Census card R 206, and that R. C. Melendon presented to is an applicant for the identification of Melendon, under the name of Russell F. Melendon, and his aliases, John H. Melendon, Thomas Melendon, Ida H. Melendon, Ralph Melendon, Harry Melendon and Francis Melendon as Mississippi Choctaws.

You will proceed in this matter in accordance with the instructions of this office in the case of William C. Thompson, et al.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge

AD 6-3

COPY.

Muskogee, Indian Territory, August 3, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory,

Dear Sir:

For the information of your office there is inclosed herewith copy of Departmental communication of July 26, 1904, (I.T.D. 8932-1204) directing the Commission to protect the rights, if any, of the applicants in the case of Robert C. McLendon, et al. until final action be taken by the Department on a motion for review in this case.

It appears from our records that on July 7, 1904, the Secretary of the Interior affirmed the decision of the Commission refusing the application of Robert C. McLendon for enrollment as a citizen of the Choctaw Nation and on July 10, 1904, your office was notified of such Departmental action.

You will, in accordance with the instructions of the Department of July 26, 1904, make proper notation of the claim of Robert C. McLendon and B. F. McLendon, et al. to lands on which their improvements are located, and also permit them to make application for such lands, for the purpose of instituting contest, if it be so desired.

Chapter 158

You are advised that the name of Robert C. Malenka appears upon Chapter card N 306 and the R. F. Malenka referred to in an application for the identification of himself, under the name of Berrell F. Malenka, and his children, John F. Malenka, Thomas Malenka, Ida M. Malenka, Ralph Malenka, Harry Malenka and Fannie Malenka, as Mississippi Chateaux.

You will proceed in this matter in the same manner as in all cases of undetermined applicants, and in the event application is made for land for the purpose of instituting contest, merely docket the contest and withhold further action relative thereto until the citizenship of the contestants is decided.

Respectfully,

SIGNED *T. B. Needles*

Commissioner in Charge

AS WIT

(Copy)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

LHB

I.T.D. 4870-1903.
2194-1904.
3610- "
5932- "

April 5, 1906.

D.C.-13109-1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On July 7, 1904, the Department rendered a decision in the Choctaw enrollment case of Robert C. McLendon (see "7-R-206"), affirming the decision of the Commission to the Five Civilized Tribes of November 30, 1903, refusing to identify the applicant as a Mississippi Choctaw or to enroll him as a Choctaw by blood.

In view of the approved opinion of the Assistant Attorney-General of February 19, 1906, relating to the case of James S. Long et al., and to the approved opinions of March 3, 1906, and March 10, 1906, both of which relate to the William S. Thompson case, the Department finds a reconsideration of said decision of April 7, 1905, to be necessary.

On July 22, 1904, there was filed a motion on behalf of the applicants bearing proper evidence of service upon the attorneys for the Choctaw and Chickasaw nations, requesting that the applications of Robert C. McLendon and B. F. McLendon et al., be consolidated with the case of William C. Thompson et al., which was the subject of the opinions last referred to above. Under the circumstances, this motion has been granted to the extent of considering the testimony in the Thompson case in connection with this case, inasmuch as the applicants in both cases are relatives by blood.

The Department finds that McLendon was born in Mississippi about 1857, and resided there until 1881. Thence he removed to Texas, and subsequently, in July, 1893, to the Indian Territory. He has resided in said Territory continuously since. He is a part-blood Choctaw, having obtained his Indian blood from his mother, Asha Jane Jones. She claimed Indian descent through her father, Hiram Jones, and her grandfather, Woody Jones, Sr. It is here noted that the said Hiram Jones was a brother of the Woody Jones, Jr., from whom applicant Winburn Jones claims descent. You were directed in departmental letter of April 4, 1906, to enroll the latter as a citizen by blood of the Choctaw Nation. It is also noted that the applicant herein is a brother of B. F. McLendon, in favor of whom decision bearing over this was res-

dered, based upon his Choctaw blood.

It further appears that Robert G. McLendon presented a petition for enrollment to the Commission to the Five Civilized Tribes in 1896. This petition was denied, but the applicant claims that no notice was given him of the action of the Commission, and it does not appear from the record that his statement is incorrect.

Inasmuch as the name of the applicant appears on the 1896 roll, the Department is vested with jurisdiction, under section 21 of the act of June 28, 1898 (30 Stat., 495), to investigate his case and to determine the same according to its merits, consequently there remains to be considered whether his name should be allowed to stand upon the rolls of the Choctaw Nation.

In view of the opinion in the Long case referred to above, it is clear that this applicant is eligible by blood and residence to enrollment as a citizen of the Choctaw Nation. Therefore his name should not be stricken off from the rolls.

Premises considered, the decision of the Department of July 7, 1904, is rescinded, and the decision of the Commission to the Five Civilized Tribes of November 30, 1903, is reversed, except in so far as said decisions refuse to identify him as a Mississippi Choctaw, and you are directed to enroll him as such.

-4-

citizen by blood of the Choctaw Nation.

Respectfully,

(Signed) Thos. Ryan
First Assistant Secretary.

7 R 206
7-5999

COPY.

Muskogee, Indian Territory, April 16, 1906.

Robert C. McLendon,
Comanche, Indian Territory.

Dear Sir:

There is enclosed herewith for your information, copy of Departmental letter of April 5, 1906 (I.T.D. 4870-1903, 2194, 3610, 5932-1904), rescinding the decision of the Department of July 7, 1904, and reversing the decision of the Commission to the Five Civilized Tribes of November 30, 1903, in the matter of the application for the enrollment of Robert C. McLendon as a citizen by blood of the Choctaw Nation, except in so far as the said decision refused to identify him as a Mississippi Choctaw.

The Department directs that Robert C. McLendon be enrolled as a citizen by blood of the Choctaw Nation.

You are accordingly advised that the name of Robert C. McLendon will be included upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Wm. C. Beath*

Acting Commissioner

OF 16-2

COPY-

Commission to the Five Civilized Tribes,
South Mallett, Ind. Ter.

In the application of Robert C. McLendon for enrollment as
a Choctaw; being sworn and examined by Com'r McKinnon he states:

(Applicant is on the 1896 roll; p239, #9490, as R. C. McLendon.)

Q What is your name? A Robert C. McLendon.

Q How old are you? A Forty-two.

Q You were born and raised in Mississippi? A Yes sir.

Q When did you leave there? A I left there in 1881 first.

Q Where did you go? A To Texas.

Q How long did you stay in Texas? A I staid there about six
or seven years; I wasn't there all the time.

Q When did you move to the Territory to stay here permanently?

A In July, 1893.

Q You have been here ever since? A Yes sir.

Q Were you ever enrolled before you were put on this 1896 roll?

A No sir.

Q Was that in 1896 or 1897 that you were put on the roll?

A To the best of my recollection it was in 1897.

Q What time in 1897? A It was somewhere about the first of
January, I don't know the exact date.

Q Was your brother Burrell F. put on at the same time?

A I think he was.

Q You were never admitted by any act of the Choctaw Council
were you? A No sir.

Q You made application to the Dawes Commission in 1896 did you?

A I think it was in 1896.

Q Was before you were enrolled? A Yes sir.

Q And you never heard from that application? A No sir.

Q You say you had a lawyer named Gilbert attending to it for you?

A Not at that time.

Robert C. McLendon (#2)

Q I mean in 1896 when you first made application to the Dawes Commission who was it? A Smoot was the man.

Q Where did he live? A I don't know where he is now, he was Duncan at that time.

Q Did he never tell you what became of that application?

A No sir, he left there in a short time afterwards.

Q And you never heard what became of it? A No sir.

Com'r McKennon: As you were not admitted by Act of Council of the Choctaw Nation, your enrollment was without authority of law, and the Commission has no authority, therefore, to enroll you now. It becomes its duty to leave you off of the rolls. Besides, you say you made application to the Dawes Commission in 1896, and you never heard what became of that application; not hearing from it you then went to the Choctaw authorities to get yourselves enrolled; Davis Homer was your attorney, and you were placed upon the rolls. The records of the Commission will show whether you were ~~xxxxxxxx~~ rejected, and if so, that judgment is final against you.

(See records Dawes Com. 1896.)

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission that this transcript is a true, full and correct translation of my stenographic notes.

(Signed) M. D. Green.

Choctaw No.R-206.

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of
Robert C. McLendon for the enrollment
of himself as a citizen by blood of
the Choctaw Nation.

To Robert C. McLendon,

Duncan, Indian Territory.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Such affidavits must be sworn to by yourself, and by the

R. E. McLELLAN

corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

(Signed) T. B. Needles,

Register.

Commissioner in Charge.

INDIAN TERRITORY?

SOUTHERN DISTRICT.

Be it known that on this the 14 day of September 1903 before me the undersigned authority personally appeared Robert Colwell McLendon who being by me duly sworn on his oath says that he is Choctaw Indian by blood, and in the year 1896 he made application to the Choctaw Authorities for enrollment as a Choctaw Indian and that on or about the 6th of January 1897 he was duly enrolled as a citizen of the Choctaw Nation or Tribe of Indians by the Choctaw Revisory Board then in session at the City of Tuskahoma I.T. said enrollment now being supervised by the commission to the Five Civilized Tribes at Muskogee, I.T. and in support of his identification desires the evidence of Wm. C. Thompson Sr. Wm. H. McCoy and Burrell F. McLendon of Marlow, I.T. that the applicant is unable financially to procure their attendance, and that their testimony is material in this case, by whom he expects to prove that R. C. McLendon who was enrolled by the Choctaw Revisory board as R. C. McLendon at Tuskahoma, I.T. in January 1897 is the identical person who made application to the five civilized Tribes in 1896 as Robert McLendon, therefore asks that the depositions of the said Thompson, McCoy and McLendon be taken in accordance with the rules and regulations heretofore promulgated by the Commission to the Five Civilized Tribes at Muskogee, I.T. to be used in behalf of the applicant.

(Signed) Robert Colwell McLendon

Subscribed and sworn to before me this the 14 day of Sept. 1903.

(SEAL)

(Signed) Geo. T. Putty.
Notary Public.

GDR.

7-R-206

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Robert C. McLendon as a citizen of the Choctaw Nation.

DECISION.

The record in this case shows that Robert C. McLendon appeared before the Commission at South McAlester, Indian Territory, during the month of September, 1899, and made personal application for enrollment as a citizen of the Choctaw Nation.

It further appears from said record that the applicant was forty-two years of age at the time of his said appearance at South McAlester, and that the Commission at that time identified him from the 1896 Choctaw Census-roll, page 239, No. 9490, as R. C. McLendon. The age of R. C. McLendon is given on the 1896 Choctaw Census-roll as one year; and, as this is the only place said name appears on the Choctaw rolls, the Commission is of the opinion that said identification was erroneous, and that the name of this applicant is not upon the tribal rolls of the Choctaw Nation.

It further appears that on September 9, 1896, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321), the applicant herein, under the name of Robert McLendon, made application to the Commission for admission to citizenship in the Choctaw Nation; that on December 8, 1896, his said application was denied, and that no appeal was taken from said decision of the Commission to the United States Court in Indian Territory.

It does not appear that the applicant has ever been married in accordance with Choctaw laws, usages and customs, to a recognized and enrolled citizen of said Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw, under the following provision of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495), viz.:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior;" the applicant was notified on February 17, 1902, by registered mail

that he would be allowed thirty days from that date within which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made by the applicant to said notice.

It is, therefore, the opinion of this Commission that Robert C. McClendon is not lawfully entitled to be enrolled as a citizen of the Choctaw tribe of Indians in Indian Territory, under the provisions of Section 21 of said Act of June 28, 1898, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Acting Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) G. E. Breckinridge,
Commissioner.

Dated at Muskogee,
Indian Territory, this
Dec. 1, 1902.

7-7-200.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE MORE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Robert
C. McLendon as a citizen by blood of the Choctaw Nation.

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(Copy)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.V.N.
LRS

I.T.D.-4870-1903.
2194-1904.
3610- "
5932- "

April 8, 1906.

D.C.-13109-1906.

LRS.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On July 7, 1904, the Department rendered a decision in the Choctaw enrollment case of Robert C. McLendon (see "7-B-206"), affirming the decision of the Commission to the Five Civilized Tribes of November 30, 1903, refusing to identify the applicant as a Mississippi Choctaw or to enroll him as a Choctaw by blood.

In view of the approved opinion of the Assistant Attorney-General of February 19, 1906, relating to the case of James S. Long et al., and to the approved opinions of March 3, 1906, and March 10, 1906, both of which relate to the William C. Thompson case, the Department finds a reconsideration of said decision of April 7, 1906, to be necessary.

On July 22, 1904, there was filed a motion on behalf of the applicants bearing proper evidence of service upon the attorneys

for the Choctaw and Chickasaw nations, requesting that the applications of Robert C. McLendon and B. F. McLendon et al. be consolidated with the case of William C. Thompson et al., which was the subject of the opinions last referred to above. Under the circumstances, this motion has been granted to the extent of considering the testimony in the Thompson case in connection with this case, inasmuch as the applicants in both cases are relatives by blood.

The Department finds that McLendon was born in Mississippi about 1857, and resided there until 1861. Thence he removed to Texas, and subsequently, in July, 1893, to the Indian Territory. He has resided in said Territory continuously since. He is a part-blood Choctaw, having obtained his Indian blood from his mother, Asha Jane Jones. She claimed Indian descent through her father, Hiram Jones, and her grandfather, Woody Jones, Sr. It is here noted that the said Hiram Jones was a brother of the Woody Jones, Jr., from whom applicant Wimburn Jones claims descent. You were directed in departmental letter of April 4, 1906, to enroll the latter as a citizen by blood of the Choctaw Nation. It is also noted that the applicant herein is a brother of B. F. McLendon, in favor of whom decision bearing even date was rendered, based upon his Choctaw blood.

It further appears that Robert C. McLendon presented a pe-

tition for enrollment to the Commission to the Five Civilized Tribes in 1896. This petition was denied, but the applicant claims that no notice was given him of the action of the Commission, and it does not appear from the record that his statement is incorrect.

Inasmuch as the name of the applicant appears on the 1896 roll, the Department is vested with jurisdiction, under section 21, of the act of June 25, 1898, (30 Stat., 495), to investigate his case and to determine the same according to its merits, consequently there remains to be considered whether his name should be allowed to stand upon the rolls of the Choctaw Nation.

In view of the opinion in the Long case referred to above, it is clear that this applicant is eligible by blood and residence to enrollment as a citizen of the Choctaw Nation. Therefore his name should not be stricken from the rolls.

Premises considered, the decision of the Department of July 7, 1904, is rescinded, and the decision of the Commission to the Five Civilized Tribes of November 30, 1903, is reversed, except in so far as said decisions refuse to identify him as a Mississippi Choctaw, and you are directed to enroll him as a citizen by blood of the Choctaw Nation.

Respectfully,

(Signed) Theo. Ryan

First Assistant Secretary.

Matthias Mc. Dowell

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 257

CHOCTAW R. 208

Martha J. McLahey.

GRANTED, JUN -5 1906

*Record transferred
to Choctaw card #6007*

JUN 21 1906

Choc R209 Andrew McKinney

R209

... ..

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

25. The availability of foreign exchange is a significant factor in the determination of the amount of foreign exchange available for the purchase of goods and services from abroad.

WHAT IS your name? A MURDER PRISON

How old are you? A. Forty-one

Q Now you were enrolled on the Chicago roll? A Yes.

YOUNG FULMER and mother was enrolled over 1 year.

Q What was your estimate of the amount of the literature?

Q Were your contacts and other married couples not very good?

1990

Q. Did you know that A. I was always taught to

S. E. Lewis, (once dem't) being sworn and examined as follows:

What is your name? A. Lewis

1. The first of these is the fact that the

DO NOT WRITE ABOVE THIS LINE

Q Did you have the father and mother? A Yes sir.

Q make a statement about that matter

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

This was a period when the war was still going on.

with my uncle, though she was a very young girl.

Q. And wasn't carried to him by a woman?

THIS INVENTION IS THE FORM OF MORTGAGE ON AN ESTATE IN LAND

Mr. Tolson, the Chief with Mr. DeLoach, Mr. Mohr, Mr. Bishop, Mr. Casper, Mr. Callahan, Mr. Conrad, Mr. Felt, Mr. Gale, Mr. Rosen, Mr. Sullivan, Mr. Tavel, Mr. Trotter, Mr. Tele. Room, Mr. Holmes, Miss Gandy.

104-99411-2144

THE



DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew McKinney for the enrollment of himself as a citizen by blood of the Choctaw Nation.

22

DECISION.

It appears from the record in this case that the applicant, Andrew McKinney, appeared before this Commission at South McAlester, Indian Territory, at its session beginning September 14 and ending September 16, 1889, and then and there made application for the enrollment of himself as a citizen by blood of the Choctaw Nation.

It appears from the evidence offered in this case that Andrew McKinney is a son of a Cherokee woman by a Choctaw father.

It does not appear from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission that the applicant has ever been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance

with the provisions of the Act of Congress of June 10, 1896,
(29 Stat., 811).

It also appears from the records in the possession of the Commission that Andrew McKinney, the applicant, is on the authenticated Cherokee roll of 1880, Sequoyah district, number 856; and is also on the Cherokee roll of 1896, Sequoyah district, number 982; and is listed for enrollment by the Commission to the Five Civilized Tribes as a Cherokee by blood, on straight card number 1549.

It is therefore the opinion of this Commission that Andrew McKinney is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Dated at Muskogee, Indian Territory,
this APR -9 1902

Chapter 2 107

COPY

Mustang, Indian Territory, April 9, 1902.

Andrew McKinney,

Stigler, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

James Bixby.

Acting Chairman.

Enc. T-4

Register

COPY.

CHIEF OF BUREAU

Mustang, Indian Territory, April 9, 1908.

Messrs Mansfield, Moneray & Gernish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Andrew McKimsey as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

JAMES BIRBY
Acting Chairman

Enc 1-5
Register.

COPY.

Waukegan, Indian Territory, April 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Andrew McKinney for the enrollment of himself as a citizen of the Choctaw Nation, including the decision of the Commission, dated April 9, 1902, refusing the application for the enrollment of Andrew McKinney as a citizen of said nation.

Respectfully,

ENCLOSURE.

Jane Bixby.

Acting Chairman.

1 enclosure.

Through the Commissioner
of Indian Affairs.

C O P Y

Dawes Com. 8404

Refer in reply to the following:

Land
22707-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made April 9, 1902, by Tams Bixby, Esq., Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Andrew McKinney for enrollment as a citizen by blood of the Choctaw Nation.

The record in this case shows that Andrew McKinney's father was a Choctaw; that his mother was a Cherokee; and that his name appears on the authenticated Cherokee Roll of 1880, Sequoyah district, No. 866, and also on the Cherokee roll of 1896, same district, No. 952. It also appears that he has been listed by the Commission for enrollment as a Cherokee by blood.

April 9, 1902, the Commission found that the applicant was not entitled to enrollment as a citizen by blood of the Choctaw Nation.

It does not appear from the record in this case that the applicant has ever been recognized as a Choctaw, or

that he has ever been enrolled by the Commission, the tribal authorities, or the court, as a citizen of the Choctaw Nation.

Inasmuch as his name appears on the Cherokee roll of 1880, and as that roll is confirmed by the Curtis Act, the office believes that the decision of the Commission is correct and should be approved.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

James Cox. No. 5404

Copy,

DEPARTMENT OF THE INTERIOR

WASHINGTON, May 16, 1902.

I.T.D. 3110-1902.

D.R.S.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

May 14, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application of Andrew McKinney for enrollment as a citizen of the Choctaw Nation - H 203 - and recommended that your decision of April 5, 1902, be approved.

You found that applicant is a son of a Cherokee woman by a Choctaw father; that it does not appear that he has ever been enrolled or admitted to citizenship in the Choctaw Nation; that applicant has been listed for enrollment as a Cherokee by blood on straight card No. 1542. You therefore refused this application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is enclosed.

Respectfully,

THOMAS R. RYAN

Acting Secretary.

1 enclosure.

Chester E. Cox
COPY.

Hamlet, Indian Territory, May 24, 1902.

Andrew McKinney,

Stigler, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior under date of May 16, 1902, affirmed the decision of the Commission, dated April 6, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cherokee Nation.

Yours truly,

James B. Roy.

Acting Chairman.

Choctaw N. 100

COPY.

Mustoge, Indian Territory, May 24, 1902.

Massfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior under date of May 16, 1902, affirmed the decision of the Commission dated April 9, 1902, refusing the application made by Andrew McKinney of Stigler, Indian Territory, for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

SIGNED

James D. Dickey

Acting Chairman.

Wuskeges, Indian Territory, May 5, 1901.

Andrew J. McKinney,

Stigler, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 27th, in which you desire to be informed if you can be changed from the Cherokee rolls to the Choctaw rolls.

You state that you are located in the Choctaw Nation and desire to remain there, and that you have more right there than you have in the Cherokee Nation.

Replying to your letter you are informed that the records of the Commission show that Andrew McKinney, 34 years of age, appeared before the Commission at South Canadian, Indian Territory, in September, 1896 and made application for enrollment as a citizen by blood of the Choctaw Nation, and such application was at that time refused for the reason that his name did not appear upon the Choctaw rolls.

The right to participate in the allotment of the lands of the Choctaw and Chickasaw Nations is only granted to persons whose names appear upon the final rolls of these Nations as approved by the Secretary of the Interior. As your application for enrollment was refused your name will not be placed upon such final rolls and you will therefore not be entitled to share in the allotment of the lands of the Choctaw and Chickasaw country.

Yours truly,

Chester T. 205
Cherokee 1549

Muskogee, Indian Territory, April 26, 1902.

Green McCurtain,

Sansbois, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, giving the names of a family of mixed Choctaw and Cherokee blood, stating that they have lived in the Choctaw Nation for the past five years and that they now desire to avail themselves of that provision of law allowing them to elect to be finally enrolled and receive their allotments as citizens of the Choctaw Nation.

In conclusion, you desire to be advised as to the necessary steps for Mary McKinney to take in order to have herself and children listed for enrollment as citizens of the Choctaw Nation and if the same can be done by power of attorney or if it will be necessary for her to appear before the Commission in person.

Replying to your inquiry you are advised that it appears from our records that at Canadian, Indian Territory, in the month of September, 1899, Andrew McKinney, 24 years of age, made personal application to this Commission for the enrollment of himself as a citizen of the Choctaw Nation.

On April 9, 1902, the Commission refused the application for the enrollment of Andrew McKinney as a citizen of the Choctaw

Nation for the reason that his name was not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor did it appear that he had ever been admitted to Choctaw citizenship by the tribal authorities of that Nation, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1906.

It further appears from the testimony of Andrew McKinney and the records of the Cherokee Nation in the possession of the Commission, that he was a citizen by blood of the Cherokee Nation, duly enrolled by the tribal authorities as such citizen and that he was in no manner entitled to citizenship in the Choctaw Nation.

On April 9, 1902, the record in this case together with the decision of the Commission was forwarded to the Secretary of the Interior for his review.

It further appears from our records that at Muskogee, Indian Territory, on August 16, 1900, Andrew McKinney, 24 years of age, made personal application to this Commission for the enrollment of himself and his five minor children, Lucy, Cora, Jennie, Lucilla P. and Dennis McKinney as citizens by blood of the Cherokee Nation and applied for the enrollment of his wife, Mary McKinney, as a citizen by intermarriage of the Cherokee Nation. The names of all of these applicants were identified from the tribal rolls of the Cherokee Nation in the possession of the Commission and as there

was no objection entered to their Cherokee enrollment by the representatives of that Nation, they were duly listed for enrollment by this Commission as citizens of the Cherokee Tribe of Indians in Indian Territory.

For your information there is enclosed you herewith a copy of the testimony of Andrew McKinney at Muldrow, Indian Territory, before the Commission on August 16, 1900, in the matter of his application for the enrollment of himself, his wife and children as citizens of the Cherokee Nation.

It would appear that Mary McKinney and her five children mentioned in your letter of the 23rd instant are in no manner entitled to enrollment as citizens of the Choctaw Nation or to allotment of the lands of the Choctaw-Chickasaw country.

No application has ever been made to this Commission for their enrollment as citizens of the Choctaw Nation nor do their names appear upon any of the tribal rolls of the Choctaw Nation in our possession nor does it appear that they have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities thereof, the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896.

If, however, it is the intention of Mary McKinney to make application for the enrollment of herself and her children as

Enc 4

citizens of the Cheyenne Nation, it will be necessary for her to personally appear or before the Commission at its office at Muskogee, Indian Territory for the purpose of examination under oath.

In the reception and determination of such applications however, the Commission is now limited by the following provision of the act of Congress of July 31, 1906:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

Yours truly,

Commissioner in Charge.

Enc Y 70

Muskogee, Indian Territory, January 15, 1903.

Honorable Green McCurtain,
Principal Chief Choctaw Nation,
Kintah, Indian Territory,

Dear Sir:

I am in receipt of your letter of January 13, written in behalf of Mrs. Mary McKinney the widow of Andrew McKinney and her rights to citizenship and enrollment as a member of the Choctaw tribe of Indians.

The Commission, on April 26, 1902, in reply to your inquiry of April 23, 1902, in regard to this matter, advised you fully relative to the rights of Mrs. McKinney and her children as citizens of the Choctaw Nation. A copy of said letter is inclosed herewith for your information in the event that you have misplaced the one heretofore furnished you.

I have further to advise that as no application has ever been made by Mary McKinney for the enrollment of herself and her children as citizens of the Choctaw Nation, that the rolls having closed and there being no record of any tribal recognition of these persons, it would be impossible for the Commission to enroll them as citizens of the Choctaw Nation, and the right to elect to be enrolled as citizens of either the Choctaw or Cherokee Nation cannot therefore

3 McC 2

be accorded these parcels.

For the protection of Mrs. McKinney and her children I would advise that they may make selections of their allotments in the Cherokee Nation either at the land office at Vinita, Indian Territory, which will be open until May 1, 1903, or after that at Tahlequah, Indian Territory.

Respectfully,

Commissioner in Charge.

AB 1-18

7-2-200

Muskogee, Indian Territory, August 1, 1906.

William H. McGay,

Marlow, Indian Territory.

Dear Sir:-

Your letter of July 16, 1906, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you ask relative to your citizenship case.

In reply you are advised that the case is receiving consideration and when a decision is reached you will be notified.

Respectfully,

Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MULDROW, I.T., AUGUST 16, 1900.

In the matter of the application of Andrew McKinney for enrollment of himself, wife and children, as citizens of the Cherokee Nation, said McKinney being sworn by Commissioner Needles, testified as follows:

- Q What is your name? A Andrew McKinney.
Q Your age? A 36.
Q Your postoffice? A Stigler.
Q Is that in the Cherokee Nation? A No sir, Choctaw Nation.
Q Are you a recognized citizen of the Cherokee Nation? A I suppose I am.
Q By blood or intermarriage? A By blood.
Q What district do you live in? A In Sequoyah.
Q How long have you lived in Sequoyah district? A Ever since 72.
Q Where were you born? A In the Choctaw Nation.
Q When do you apply for enrollment? A For myself, wife and children.
Q What is your father's name? A Same as mine-- Andrew McKinney.
Q Was he a citizen? A He was adchoctaw.
Q What was your mother's name? A Rebecca.
Q Was she a citizen of the Cherokee Nation? A Yes.
Q Is she living? A No sir.
Q What was her name in '80? A Rebecca McKinney.
Q Are you married? A Yes.
Q What is your wife's name? A Mary McKinney.
Q What was her name before you married her? A Hall.
Q Was she a citizen? A No sir, non-citizen.
Q Her father and mother non-citizens? A Yes.
Q Have you any certificate of marriage? A Yes.
Q Have you any children? A Yes, five.
Q What is the name of the first child under 21? A Lucy, 13 years old.
Q Next? A On '94 roll, page 1084, number 953.
Q Next? A Cora, 11 years old.
Q Next? A On '96 roll, page 1084, number 954.
Q Next? A Jessie, 9 years old.
Q Next? A On '98 roll, page 1084, number 955.
Q Next? A Lucella P., 6 years old.
Q Next? A On '98 roll, page 1084, number 956, as Luc H.P. McKinney.
Q Next? A Dennis, 3 years old.
Q Are these children alive and living with you? A Yes.
Q Is your wife living? A Yes.
Q Living with you? A Yes.
Q Have you lived with her always from the time you married her? A Yes.

Applicant on roll '80, page 709, number 866.

Applicant on '86 roll, page 1084, number 952.

On '94 roll, page 974, number 953.

Applicant's wife on '94 roll, page 1084, number 110.

By W. W. Hastings, Cherokee Attorney:

Q Where do you live? A I have been living in the Choctaw Nation and made it my home ever since '94.

Q Before '94 where did you live? A I lived in the Cherokee Nation up to '94 but since that time I have lived in the Choctaw Nation. From '70 to '94 I lived in the Cherokee Nation.

Q Are you part Choctaw? A Yes.

Q Are you enrolled down there on the rolls? A They would not enroll me there.

Q Did you apply for enrollment there? A Yes.

Q Did they absolutely refuse you? A They did.

Q Did they enroll you or your children or your wife? A No sir.

Q Do you own any property in the Cherokee Nation? A No sir, none at all.

Q Do you own any property in the Choctaw Nation? A A I suppose I own a little. I have a little place. I got two or three places there and since they refused me enrollment they have taken them away from me and are just ready to take the (other) place. They took part of my crop away from me.

By the Commission:

The name of Andrew McKinney appears upon the authenticated roll of '80 as well as upon the census roll of '96, and the names of his children also appear upon the roll of '94. The name of his wife, Mary, appears upon the census roll of '96, and he presents a marriage certificate in due form certifying that he was married to Mary Moody, a non-citizen, according to the laws of the Cherokee Nation, on the 3rd day of December, '84. And the names of his children, Lucy, Cora, Jessie and Luella P., appearing upon the census roll of '96, and they all being duly identified according to page and number as indicated in the testimony, and having made satisfactory proof of their residence, the said Andrew McKinney and his three children will be listed for enrollment by this Commission as Cherokee citizens by blood. And his wife, Mary McKinney, will be listed for enrollment as a Cherokee citizen by intermarriage. His last child, Dennis E., having been born since the rolls of '96 were completed, his name does not appear thereon. He will be duly listed for enrollment as a Cherokee citizen by blood when proper proof of birth is filed with this Commission.

The undersigned, being first duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) Brown McDonald.

Subscribed and sworn to before me this 5th day of September, 1900.

(Signed) T. B. Needles,
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, Ind. Ter., July 29, 1905.

In the matter of the application for the enrollment of Thomas H. Starks as a citizen by intermarriage of the Choctaw Nation.

The applicants attorneys of record, Williams & Utterback of Durant, Indian Territory, are represented by Thos. Owen of Muskegee, Indian Territory.

Examination by the Commission:

- Q What is your name? A Thomas Starks.
Q What is your postoffice address? A Bennington, Indian Ter.
Q Are you a citizen of the Choctaw Nation? A Yes sir.
Q Citizen by blood? A Yes sir.
Q Are you on the final roll? A Yes sir.
Q Taken your allotment? A Yes sir.
Q Were you acquainted with Thomas H. Starks? A Yes, he is my father.
Q Is he living now? A No sir.
Q When did he die? A Died about a week before Christmas.
Q Before this last Christmas? A Yes, December 23rd.
Q Did he die in December, 1904? A Yes sir.
Q Where were you born? A I was born in Souleleyville.
Q Choctaw Nation? A Yes sir.
Q State the name of your mother? A Felicity.
Q Was your mother the first wife of Thomas H. Starks, as far as you know? A Yes sir.
Q Do you know when your mother and father were married? Did you ever hear anything about that? A No, I was a little bit of a thing.
Q Have you ever heard your father say where he and your mother were married? A No, I don't know anything about that at all.
Q He never told you anything about that? A No, he never did.
Q Was your mother a citizen by blood of the Choctaw Nation? A Yes sir.
Q Have you ever heard how long your mother and father lived in the Choctaw Nation prior to your birth? A No sir.
Q They never told you anything about that either? A No sir.
Q Then you don't know when they came to the Territory? A No sir.
Q How old are you? A I am thirty-one I reckon.
Q Have you ever lived anywhere outside of the Choctaw Nation? A No.
Q Yes? A I went to Mississippi and come back here.
Q When did you go to Mississippi? A I must have went there when I was a little bit of a thing; I don't know.
Q When did you return from Mississippi? A When I was about that high (indicating about two feet).
Q Since you returned to the Choctaw Nation from Mississippi have you always made your home in the Nation? A Yes, I have been here all my life, in and about Souleleyville.
Q You went to Mississippi with your mother and father? A You can't prove it by me. My mother's sisters and brothers know more about that than I do.
Q Well, you have never heard from either your mother or father

2-Thomas H. Starks.

anything which would enable you to state when or where they were married? A All I heard is that they was married in Mississippi under the old law.

Q Who was it told you that? A I have heard a good many of them say that.

Q Did your father or mother tell you that? A No, they never told me anything about it.

Q You have never seen any marriage certificate showing the marriage between your father and mother? A No sir.

Q You don't know where such a certificate could be? A No, I don't know anything about it.

Q You havn't in your possession any record evidence of the marriage of your father and mother, have you? A No sir.

Q Have you in your possession any records which will show when your mother and father first came to the Territory? A No, I don't know anything about it.

Examination by Mr. Owen:

Q Is your mother living? A No sir.

Q When did she die? A About seven or eight years ago. I don't know exactly.

Q Were your mother and father living together at the time she died? A No sir.

Q Where did she die? A Bouleayville.

Q Do you know whether they ever divorced? A No sir.

Q Do you know when they separated? A No, I don't know.

Q Who did you live with? Your father or mother. A I lived with my father; when they first separated I stayed with my mother. When I was with my mother I was a little bit of a thing, and they took me away from her.

Q Where was your father living when he died? A Bennington.

Q Was he living with you? A No, he was living with his family.

Q He was married again was he? A Yes sir.

Q Do you remember when you came back to the Choctaw Nation after going to Mississippi? A No, I don't know anything about that.

Q You have lived in the Choctaw Nation as far back as you can remember? A Yes sir.

Q How do you know that you went to Mississippi and then came back? A Why, what they told me.

Q Your family told you? A Yes sir.

By the Commissioner:

Q Do you know when it was that your mother and father separated? A No, I don't know.

Q Did your father marry again after his separation from your mother? A Yes sir.

Q Who did he marry the second time? A He married a Hall-- he married little John Hall's father's sister.

Q Was his second wife a white woman or a Choctaw citizen? A She was a Choctaw.

Q Do you know when he married his second wife? A I don't know when they married. I was too little when they was married. I don't know anything about it.

By Mr. Owen:

Q About how old were you when your mother and father separated? A I must have been crawling around on the floor.

3-Thomas H. Starks.

Q Just a baby, do you mean? A Yes sir.
Q Was that before or after you went to Mississippi and came back?
A We lived here awhile I think. I can't tell when it was.
Q You said awhile ago that your mother and father went to Mississippi and came back? A Yes sir.
Q Did they separate before or after they went to Mississippi?
A I can't tell you; I was too small.
Witness excused.

John W. Hall being first duly sworn testified as follows:

By Mr. Owen:

Q Your name? A John W. Hall.
Q How old are you? A Thirty.
Q What is your postoffice address? A Hennington.
Q Do you know Tom Starks? A Yes sir.
Q Do you know his father, Thomas H. Starks? A Yes sir.
Q How long did you know him? A I have been knowing him for about twenty-five years that I can remember. I had seen him before that but I don't remember seeing him before that.
Q Did you know the mother of the Thomas Starks that was here?
A No, I never knew her.
Q You don't know when Thomas H. Starks came to the Choctaw Nation? A No, I don't; he came here though, before I was born.
Q Have you lived in the Choctaw Nation all your life? A I have been living there twenty-five years.
Q Do you know anything about the family at all except that this Thomas Starks here is the son of Thomas H. Starks? A No, I don't believe I do; all that I know is that he is the son of Thomas H. Starks, or was recognized so by his father.
Q Thomas H. Starks always recognized this man as his son?
A Yes sir.
Q You don't know anything about the family except that?
A No sir.

By the Commissioner:

Q You have no personal knowledge as to when Thomas H. Starks was married to the mother of Thomas Starks? A No, I have not because he was married in Mississippi?
Q Have you any positive knowledge on that subject? A I don't know whether I could word it so that it would be good, but I have seen it in black and white to that effect.
Q In what shape have you seen it? A I saw the letter. I don't know how to word it. I can tell you the meaning of it, that he wrote to his sister--Thomas H. Starks wrote to his sister in Mississippi in regard to getting his marriage certificate. She wrote him back that it would cost three dollars for the expense--something like three dollars to get it. It was not just worded that way.
Q That was in a letter that Thomas H. Stark's sister wrote to him? A Yes sir.
Q And that sister was still living in Mississippi? A Yes sir.
Q Do you know whether anything was done in response to that letter towards securing that marriage certificate? A Only hearsay.
Q You never saw a copy of it at all? A No sir.
Q And you say that Thomas H. Starks was living in the Indian Territory before you came there? A Yes sir.
Q He died, did he not, last December? A I think it was in January.
Q Well, he died just a few months ago? A Yes, I think about January.
Q Can you tell me where he lived from the time you first knew him until his death?

4-Thomas H. Starks.

A Yes, Bennington has been his postoffice for the last 25 years.

Q He has always lived in the Choctaw Nation from the time you first knew him? A Yes sir.

Q He was married the second time was he? A Yes sir.

Q Do you know how long he lived with his first wife? A I do not.

Q Was he living with his first wife at the time you first knew him? A I don't know.-- No he was married to the second one; he was living with his second wife.

Q What was the name of his second wife? A I don't know whether I know her middle name. I think it was B. M.--Blanch. I always called her Aunt Blanch. He married my father's sister the second time.

Q Do you know whether, when he married Blanch, a tribal license was secured? A I know what she told me.

Q You don't know of your own knowledge whether a tribal license was secured or not? A No sir.

Q She was a Choctaw by blood? A No, she was a white woman.

Q She didn't have any Indian blood at all? A No sir.

Witness excused.

Napoleon B. McClure being first duly sworn testified as follows:

Examination by Mr. Owen:

Q What is your name? A Napoleon B. McClure.

Q How old are you? A Twenty-nine.

Q What is our postoffice address? A Bennington.

Q Did you know Thomas H. Starks in his lifetime? A Yes sir.

Q Are you any relation to him? A Son-in-law.

Q Do you know when he came to the Choctaw Nation? A No, I do not.

Q You don't know anything about when he married his first wife? A No sir.

Q Do you know how long they lived together? A No, I don't. I have known him ever since I can recollect; lived right by them for years, in the same neighborhood.

Q You married his daughter by his first or second wife?

A Second wife.

Q Do you know when he married his second wife? A No, I don't.

Q How long have you known him? A I have known him ever since I was large enough to recollect anything.

Q Was he living with his second wife as far back as you can remember? A No sir.

Q Do you remember when he married his second wife? A No sir.

Q It was after you knew him? A No, it was before.

Q I asked you if he was living with her as far back as you could remember anything, and you said No. A He has a son about thirty-one years old by his second wife, and the other two children he had by his second wife, a boy and a girl; I don't know their age, but they was good sized children when I first knew him; they was with him when I first recollect the old man.

Q He was living with his second wife when you first recollect of seeing him? A Yes sir.

Q He had children by his second wife older than you didn't he?

A Yes, thirty-one years old now.

Q Is Tom Starks here his son by his second wife? A No, by his first wife.

Q Is your wife a citizen? A Only by intermarriage.

Q You are a citizen yourself? A Yes sir.

1-Thomas H. Starks.

By the Commissioner:

Q You have never had in your possession any rooted evidence of the marriage of Thomas H. Starks to his first wife, have you?

A No, only just hearsay.

Q You have never seen any certificate of marriage, have you?

A No sir none at all.

Q And your wife is his daughter is she? A Yes sir.

Q And did you ever hear where Thomas H. Starks was married to his first wife? A I heard they was married in Mississippi.

Q That is all you know about this matter? A That's all.

Q From the time that you first knew Thomas H. Starks until the time of his death, where did he make his home? A Near Henington.

Q In the Choctaw Nation? A Yes sir.

Frances R. Lane upon oath states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the testimony in the above entitled cause and that the foregoing is an accurate transcript of her stenographic notes thereof.

Frances R. Lane

Subscribed and sworn to before me this July 29, 1906.

Edward M. Merriam
Notary Public.

7-R-290.

Take testimony of Thomas Starks, Bennington, Indian Territory, and such others as were acquainted with Thos. H. Starks and Felicity Starks, nee Long, for the purpose of ascertaining:-

First: When Thomas H. Starks and wife came to the Choctaw Nation?

Second: How long did they live together?

Third: Did Felicity Long remarry?

Fourth: If so when and to whom?

Fifth: What was her name in 1885?

Sixth: When did Felicity Long die?

Seventh: Was she enrolled in 1885?

Eighth: Was she ever admitted by Act of Council?

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bennington, Indian Territory, February 2, 1907.

In the matter of the application for the enrollment of
Thomas H. Stark as an inter-married citizen of the Choctaw Nation.

Robert O. Knight, being first duly sworn and examined,
testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Robert O. Knight.
Q How old are you? A Thirty-five.
Q What is your postoffice address? A Bennington.
Q Were you personally acquainted with Thomas H. Stark? A Yes, sir.
Q At what time did you become acquainted with him? A About 1896.
Q Were you ever acquainted with a wife of his by the name of Felicity Stark? A No, sir.
Q Do you know when Thomas H. Stark and his wife came to the Choctaw Nation? A No, sir.
Q Do you know how long he and his wife, Felicity Stark lived together? A No, sir.
Q Were Thomas H. Stark and his wife, Felicity Starks ever separated or divorced? A I have reliable information that they were separated and later divorced.
Q To the best of your knowledge when did they separate? A I can't know. I don't have any idea.
Q Do you know when they procured a divorce? A I obtained a copy of the divorce from the District Clerk from the old records, giving an er about March 4, 1893.
Q At what place were these records? A Grant, I. T.
Q Were these records of the United States Court or of the Choctaw Tribal Courts? A Choctaw Tribal Courts.
Q Did you see these records yourself? A No, sir.
Q In what manner did you obtain this information that Thomas H. Stark and his wife, Felicity Stark were divorced March 4, 1893? A I wrote to the District Clerk for a copy just as it appeared on the old records and he sent me a certified copy of the divorce, stating that it was a certified copy as it appeared on the records of the District Court.
Q What did you do with this certified copy from the District Court? A Sent it to Thomas Norman, Ardmore.
Q Do you know what he did with it? A No, sir.
Q For what purpose did you send this to Thomas Norman at Ardmore? A I asked him to file it with the Commissioner when I sent it to him.
Q Do you know if Felicity Stark remarried after this divorce between her and Thomas Stark? A I do not to my personal knowledge.
Q Have you ever received reliable information that she remarried? A I received a letter or statement from Gov. Green McCurtain that she married E. H. Rooney.
Q Did he state when she and this Rooney were married? A No, sir.
Q Do you know how long she was married to this man Rooney? A I do not.
Q Is Felicity Stark or Long still living? A No, sir, not to the best of my knowledge.
Q Do you know when she died? A I have been informed in a letter from Green McCurtain that she died shortly after marrying E. H. Rooney.
Q What did you do with this letter from Green McCurtain? I

Stark.

- 2 -

mailed it to the Dawes Commission.

- Q Do you remember when it was you mailed this letter to the Commission? A I don't recollect the exact date, but it was some four or five days ago.
- Q Do you know when applications were made for the enrollment of this Felicity Stark, nee Long? A No, sir.
- Q Do you know if Thomas H. Stark ever remarried subsequent to his divorce from Felicity Starks? A Yes, sir.
- Q Whom did he marry? A Blanch M. Hall.
- Q Do you know when they were married? A Only from the records.
- Q In what form are these records? A Bible records. I have here a leaf taken from the family bible showing the date of their marriage.

(Robert O. Knight herewith presents a leaf evidently taken from the family bible, where under the head of Marriages appears the following notation: "T. H. Stark and B. M. Hall, March 9th, 1873" and upon the opposite side of which under the heading of Births appears the following notations written in ink: "T. H. Stark, August 1st, 1833, in Woodville, Wilkerson Co., Miss." also "Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry.")

- Q Under the heading of Births on this page appears the name of Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry: who is this Emma Stark herein referred to? A The oldest child of Thomas H. Stark by his first wife, Felicity Stark.
- Q Is this Emma Stark still living? A Yes, sir.
- Q Has Emma Stark ever made application for enrollment? A Yes, sir, she is upon the approved rolls of the Dawes Commission as Emma Dodson, as she is now married under that name, as a Choctaw by blood. She also has a brother by the name of Thomas Stark who is enrolled as a Choctaw by blood.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blachert

Subscribed and sworn to before me this 3rd day of February, 1907.

Richard Shanafelt
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bennington, Indian Territory, February 2, 1907.

In the matter of the application for the enrollment of
Thomas H. Stark as an inter-married citizen of the Choctaw Nation.

Robert O. Knight, being first duly sworn and examined,
testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Robert O. Knight.
Q How old are you? A Thirty-five.
Q What is your postoffice address? A Bennington.
Q Were you personally acquainted with Thomas H. Stark? A Yes, sir.
Q At what time did you become acquainted with him? A About 1896.
Q Were you ever acquainted with a wife of his? the name of Felicity Stark? A No, sir.
Q Do you know when Thomas H. Stark and his wife came to the Choctaw Nation? A No, sir.
Q Do you know how long he and his wife, Felicity Stark lived together? A No, sir.
Q Were Thomas H. Stark and his wife, Felicity Starks ever separated or divorced? A I have reliable information that they were separated and later divorced.
Q To the best of your knowledge when did they separate? A I can't know. I don't have any idea.
Q Do you know when they procured a divorce? A I obtained a copy of the divorce from the District Clerk from the old records, giving on or about March 4, 1873.
Q At what place were these records? A Grant, I. T.
Q Were these records of the United States Court or of the Choctaw Tribal Courts? A Choctaw Tribal Courts.
Q Did you see these records yourself? A No, sir.
Q In what manner did you obtain this information that Thomas H. Stark and his wife, Felicity Stark were divorced March 4, 1873? A I wrote to the District Clerk for a copy just as it appeared on the old records and he sent me a certified copy of the divorce, stating that it was a certified copy as it appeared on the records of the District Court.
Q What did you do with this certified copy from the District Court? A Sent it to Thomas Norman, Ardmore.
Q Do you know what he did with it? A No, sir.
Q For what purpose did you send this to Thomas Norman at Ardmore? A I asked him to file it with the Commissioner when I sent it to him.
Q Do you know if Felicity Stark remarried after this divorce between her and Thomas Stark? A I do not to my personal knowledge.
Q Have you ever received reliable information that she remarried? A I received a letter or statement from Gov. Green McCurtain that she married E. H. Rooney.
Q Did he state when she and this Rooney were married? A No, sir.
Q Do you know how long she was married to this man Rooney? A A I do not.
Q Is Felicity Stark or Long still living? A No, sir, not to the best of my knowledge.
Q Do you know when she died? A I have been informed in a letter from Green McCurtain that she died shortly after marrying E. H. Rooney.
Q What did you do with this letter from Green McCurtain? I

Stark.

- 2 -

- mailed it to the Dawes Commission.
- Q Do you remember when it was you mailed this letter to the Commission? A I don't recollect the exact date, but it was some four or five days ago.
- Q Do you know when applications were made for the enrollment of this Felicity Stark, nee Long? A No, sir.
- Q Do you know if Thomas H. Stark ever remarried subsequent to his divorce from Felicity Starks? A Yes, sir.
- Q Whom did he marry? A Blanch M. Hall.
- Q Do you know when they were married? A Only from the records.
- Q In what form are these records? A Bible records. I have here a leaf taken from the family bible showing the date of their marriage.

(Robert O. Knight herewith presents a leaf evidently taken from the family bible, where under the head of Marriages appears the following notation: "T. H. Stark and B. M. Hall, March 9th, 1873" and upon the opposite side of which under the heading of Births appears the following notations written in ink: "T. H. Stark, August 1st, 1833, in Woodville, Wilkerson Co., Miss." also "Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry.")

- Q Under the heading of Births on this page appears the name of Emma Stark, May 3, 1868, Cho. Nat. Ind. Terry: who is this Emma Stark herein referred to? A The oldest child of Thomas H. Stark by his first wife, Felicity Stark.
- Q Is this Emma Stark still living? A Yes, sir.
- Q Has Emma Stark ever made application for enrollment? A Yes, sir, she is upon the approved rolls of the Dawes Commission as Emma Dodson, as she is now married under that name, as a Choctaw by blood. She also has a brother by the name of Thomas Stark who is enrolled as a Choctaw by blood.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath, state that I reported the proceedings in the above and foregoing cause and that the same is a true and correct transcript of my stenographic notes taken therein.

Fay E. Blachert

Subscribed and sworn to before me this 3rd day of February, 1907.

Richard Shanafelt
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Bennington, Indian Territory, February 3, 1907.

In the matter of the application for the enrollment of Thomas H. Stark as an inter-married citizen of the Choctaw Nation.

Thomas Stark, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A Thomas Stark.
Q How old are you? A Thirty.
Q What is your postoffice address? A Bennington.
Q What is the name of your father? A Thomas H. Stark.
Q What is the name of your mother? A Felicity Stark or Long.
Q Do you know when your father and mother came to the Choctaw Nation? A No, sir, I couldn't tell you when they came.
Q Do you know how long they lived together? A I was about two years old when they parted.
Q You don't know exactly what year they separated? A No, sir.
Q Did your mother, Felicity Stark, nee Long remarry after their separation? A Yes, sir, she married again.
Q Do you know when and to whom? A No, sir, I don't know that.
Q You don't know what her name was about the year 1885? A No, sir, I don't.
Q Is Felicity Long now living? A No, sir, she is dead.
Q Do you know when she died? A No, sir, I couldn't tell, it has been fifteen or twenty years ago since she died.
Q Do you know whether she was ever enrolled or not? A I couldn't tell you.
Q Do you know whether she was ever admitted by Act of Council? A No, sir, I was little then, I don't recollect.

(Witness excused)

R. P. Holand, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A R. P. Holand.
Q How old are you? A I will be sixty-five the 17th of June.
Q What is your postoffice address? A Mekohto.
Q Were you personally acquainted with Thomas H. Stark and his wife Felicity Stark, or Long? A Yes, sir, I was as well acquainted with him as with any body in our country there.
Q Do you know whom were the parents of Thomas H. Stark and his wife? A I was acquainted with Thomas H. Stark's mother, but I don't know what her given name was. Felicity Long's father's name was Sam Long.
Q Do you know when Thomas H. Stark and his wife, Felicity Long came to the Choctaw Nation? A I can't be positive, but I think it was in 1867 that he and his wife left Mississippi and came to the Territory.
Q Do you know how long Thomas H. Stark and his wife lived together? A No, sir, I have no idea.
Q Do you know if Felicity Long remarried after she and her husband, Thomas H. Stark separated? A No, sir, I don't know anything about it.
Q Where were you living when you knew Thomas H. Stark and his wife? A I was living in Carroll County, Mississippi, and Thomas H. Stark was living in Carroll County also.

Thomas H. Stark.

- 2 -

- Q How do you know that Thomas H. Stark and his wife, Felicity Long came to the Indian Territory in about 1857; did he state this to you as being his intention when he left? A That was the understanding that he and his wife came to the Indian Territory.
- Q Then to the best of your knowledge it was the general understanding in the country in which Thomas H. Stark lived that he was going to the Indian Territory when he left that place? A Yes, sir, I feel sure that he went there at that time.
- Q Do you know if Thomas H. Stark and Felicity Long were ever married to any body else prior to the marriage between them? A Not that I know of. I knew Thomas H. Stark when he was quite a youngster, and Felicity Long when she was a young girl, and when she was married and I am satisfied that neither of them were ever married before.

(Witness excused)

W. J. B. Lloyd, being first duly sworn and examined, testifies as follows:

ON BEHALF OF THE COMMISSIONER:

- Q What is your name? A W. J. B. Lloyd.
- Q How old are you? A In my seventy-second year.
- Q What is your postoffice address? A Bennington.
- Q Were you personally acquainted with Thomas H. Stark and his wife, Felicity Stark, or Long? A I was with Thomas H. Stark, but not with Felicity.
- Q Do you know when he and his wife came to the Choctaw Nation? A I do not.
- Q Do you know about what time they came? A It was not far from 1870, but I don't know just when.
- Q Do you know what his wife's name was after they had come to the Indian Territory? A It was my understanding that Felicity was the only name that I ever heard for her.
- Q Do you know when he and his wife were separated? A I cannot tell the year, but after they separated he came into my neighborhood, and he was here a year or so before he was married the second time. I think it was October, 1873, but I am not positive.
- Q Do you know when and to whom she was married the second time? A I heard she had another husband in Mississippi when she went there, and understood that she married a Rooney after she came back here.
- Q Do you know what her name was in 1885? A No, I don't. It was not far from that time when she came back from Mississippi. The last Choctaw Council at Armstrong was in 1883, and it was shortly after that that Felicity Stark came back and she was married shortly after that to a Rooney as I understand.
- Q Do you know when Felicity Stark or Long died? A No, I don't.
- Q Do you know whether she was ever admitted as a citizen by an Act of Choctaw Council? A No, I don't know.

(Witness excused)

I, Fay E. Blachert, stenographer to the Commissioner to the Five Civilized Tribes, upon oath state that I reported the proceedings in the above and foregoing cause, and that the same is a true and correct transcript of my stenographic notes taken therein.

Subscribed and sworn to before me this 7th day of February, 1907.

Fay E. Blachert
Richard H. Mansfield
Notary Public.

REFUSED. APR 9 1902

COPY OF DECISION FORWARDED
APPLICANT APR 9 1902

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS APR 9 1902

RECORD FORWARDED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR. MAY 16

DEPARTMENTAL ACTION
APPROVED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS MAY 24 1902

CHOCTAW

P.210

Dixey Mrs Kinney
Dixey

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #3641

EXHIBIT

R 211

Wade H. Mc Lellan, a

Wade H. Mc Lellan

R-211

Record Transferred to

Chertaw Card - 3922

Choc R212 Nancy Nash

R212

commission to the Five Civilized Tribes,
Caddo, Indian Territory.

In the application of Nancy Nash for enrollment as a Choctaw;
being sworn and examined by Com'r McKenna: she testifies as follows

- Q What is your name? A Nancy Nash.
Q How old are you? A Forty-six.
Q Are you on any of the Choctaw rolls? A No sir.
Q Have ever you been? A No sir.
Q Your father and mother ever been? A No sir.
Q Where are you living? A In Sherman, Texas.
Q Ever lived in the Territory? A Yes sir.
Q You are living in Sherman, Texas now? A Yes sir.

Com'r McKenna: We have not authority to enroll persons
not on the rolls; your enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---|---

In the matter of the application of Henry Bush for
the enrollment of herself as a citizen of the Cherokee Nation.

---: DECISION :---

It appears from the record in this case that the
applicant appeared before the Commission at Okla., Indian Territory,
during its session thereat beginning August 21, 1899 and ending
August 25, 1899, and then and there made personal application for
the enrollment of herself as a citizen of the Cherokee Nation.

It does not appear from the evidence offered in
support of this application and an examination of the tribal rolls
of the Cherokee Nation that the applicant, Henry Bush, has ever
been enrolled as a citizen of the Cherokee Nation, nor does her
name appear upon any of the tribal rolls of the Cherokee Nation in
the possession of the Commission, nor does it appear that she has

ever been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes that the applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears that the applicant never removed to and settled in good faith in Indian Territory and was living in the state of Texas up to the date of this application.

It does not appear from the evidence submitted that the said Nancy Nash has ever been married to a duly recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, (30 Stats., 498), section twenty-one thereof, as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto."

The applicant was on February 17, 1903, notified by registered mail that she would be allowed thirty days from the date thereof within which to set forth that she claims a right to identification as a Mississippi Choctaw. A copy of said notice is attached hereto and made a part of the record in this case. No response has been made by the applicant to said notice.

3. provision

laws of said tribes'.

And also the following:

claims citizenship.

22), provided:

the Secretary of the Interior*.

ordered.

THE COMMISSION TO THE FIVE CIVILIZED THINGS.

Madagascar, Indian Territory.

MAY 19 1947

Living on the Edge

DELOR.

1990

Charles E. Ellis

COPY

Muskogee, Indian Territory, May 19, 1902.

Mansfield, Mafferray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the Application of Nancy Wash for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

SIGNED

Acting Chairman.

1 inclosure.

COPY

Washington, Indian Territory, May 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of Nancy Bush for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 10, 1902, refusing the application for the enrollment of Nancy Bush as a citizen of said nation.

Respectfully,

SIGNED,

Acting Chairman.

1 inclosure.

Through the Commissioner of
Indian Affairs.

COPY.

Encl. 30,900-1902.

Department of the Interior.
Office of Indian Affairs.

Washington June 13, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted, herewith, the record of proceedings in the matter of the application of Nancy Nash for enrollment as a Choctaw citizen.

The commission refused to enroll her.

This applicant is a resident of the State of Texas and has never been enrolled or recognized as a Choctaw citizen.

It would therefore appear that the Commission had no authority to enroll her.

I respectfully recommend that the decision of the Commission refusing to enroll this applicant be approved.

Very respectfully,
Your obedient servant,

A. G. Tenner,
Acting Commissioner.

(E.S.S.) P.

COPY.

D.C. 10826-1902.

Department of the Interior.

I. T. B. 2752-1902.

Washington, June 19, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of Nancy Nash as a citizen of the Cherokee Nation. You refused her application because she has never been enrolled or admitted as a Cherokee citizen, and has not removed to and settled in good faith in Indian Territory. A copy of the Acting Commissioner's letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Charles Smith.

Washington, Indian Territory, July 1, 1904.

Nancy Hall,

Sherman, Texas.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1904, affirmed the decision of the Commission, dated May 10, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

I. B. Needles

Commissioner in Charge.

COPY.

Washington, Indian Territory, June 1, 1902.

Hamfield, McHenry & Corbin,

Attorneys for Choctaw & Chickasaw Nations,

Washington.

You are hereby advised that the Secretary of the Interior, under date of June 16, 1902, affirmed the decision of the Commission, dated May 10, 1902, refusing the application made by Nancy Rank for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

RECEIVED

F. B. Newhall

Commissioner in Charge.

406



Department of the Interior
Bureau of the Land Office
SHERMAN, TEXAS
OFFICIAL BUSINESS
Penalty for private use, three times
REGIS
M. 84
SHERMAN, TEXAS 2243

Writer.



COMMISSIONERS
HENRY L. DAWES.
TAMM BIRNEY.
THOMAS S. HEDGECOCK
C. R. BRACKENRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw No. R-213

ONLY IN THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1902.

In the matter of the application of)
Nancy Nash for the enrollment of)
herself as a citizen by blood of the)
Choctaw Nation.)

To Nancy Nash,

Sherman, Texas.

You are hereby notified that you will
be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a descendant of Choctaw Indians who resided in the state of Mississippi

W. W., 2,

in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

913

Department of the Interior

REGISTRATION

SHERMAN

Unclaimed

Returned to

Post

COMMISSIONERS
HENRY L. DAWES.
TAMM BERRY.
THOMAS D. HEDGECOCK.
C. R. BUCKENRIDGE.

ALLISON L. AYLBORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Choctaw R 212

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

Nancy Nash,

Sherman, Texas.

Dear Madam:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure .

Register.

USED

DECISION FORWARDED

FORWARDED DEPARTMENT MAY

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 19 1902

OFFICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUL -1 1902

OFFICE OF DEPARTMENTAL ACTION
MAILED ATTORNEYS FOR CHOCTAW
AND CHEROKEE NATIONS

JUL -1 1902

CHOCTAW.

R. 218

Sarah Nelson

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. * 4160

CHOCTAW R. 214

Cordelia Loforth

GRANTED.

*and transferred
to Choctaw 5935*

MAY 15 1905

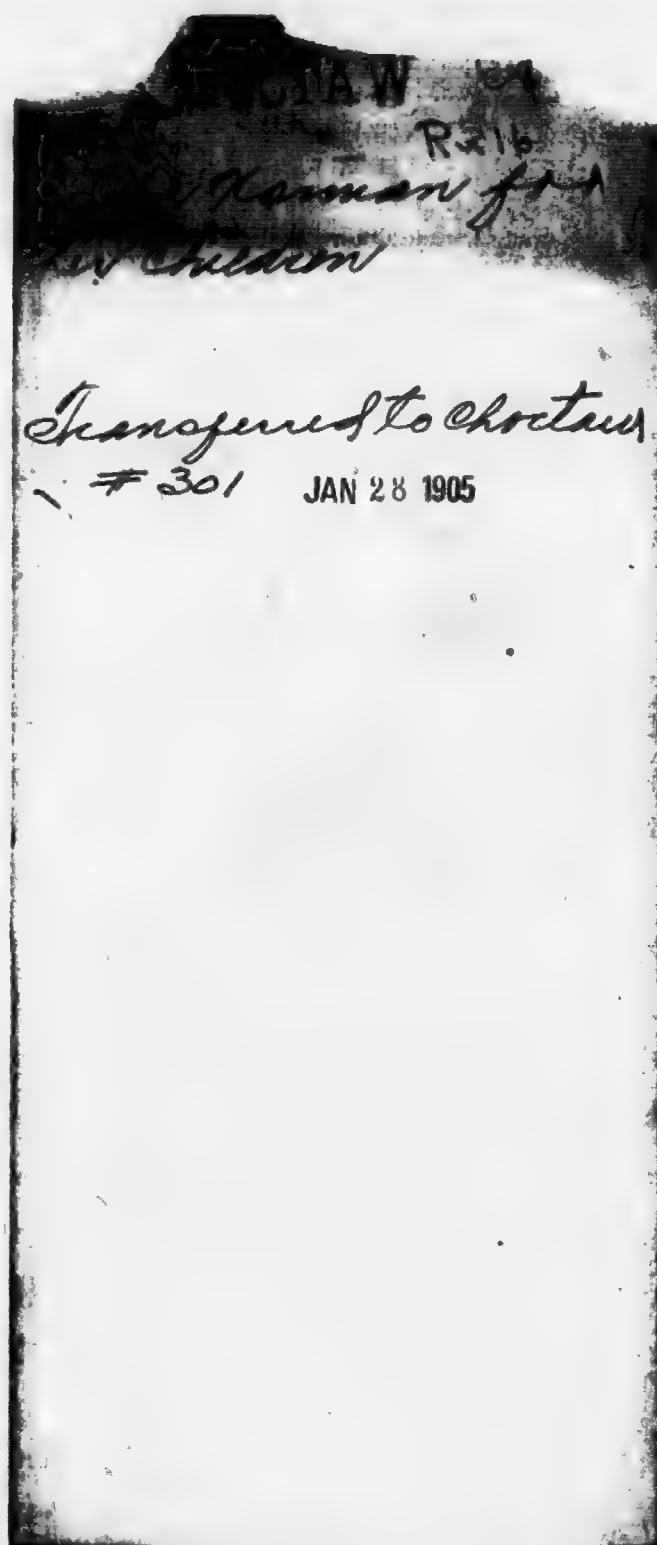
CHOCTAW

R.215

Belia Nix
NIX

NOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M.O.R. #54.



Transferred to Choctaw

301 JAN 28 1905

Choc R217 Thomas J. Quinn

R217

CHOCTAW

P. 217

ENROLLMENT

Thomas J. O'Quinn, et al.

vs.

Choctaw Nation

all except #12.

CLINTED

JAN 10 1907

RECORD FORWARDED DEPARTMENT

JAN 19 1907

See M.C.R. 7124.

June 26 1900.

See Choctaw R. 687.

#12. REFUSED.

JAN 12 1907

RECORD FORWARDED DEPARTMENT

JAN 12 1907

Judgment written Feb 25-1906
B.C.J.

see M.C.R. 7124

appl'n made

Mar. 19-03.

(Over)

all right

**ACTION APPROVED BY
SECRETARY OF INTERIOR**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHRISTIAN
AND CHICKASAW NATIONS.

FEB 28 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

APR 16 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

APR 16 1907

APR 16 1907

#12

**ACTION APPROVED BY
SECRETARY OF INTERIOR**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHRISTIAN
AND CHICKASAW NATIONS.

FEB 19 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAY 6 1907

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 6 1907

MAY 6 1907

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T., June 21, 1900.

In the matter of the application of Mary E. O'Quinn et al
for enrollment as Choctaws by blood; being sworn and examined by
acting Chairman Elder and testified as follows:

- Q What is your name? A Mary E. O'Quinn.
Q What is your age? A Forty-six.
Q What is your post-office address? A Marlow, I. T.
Q How long have you lived in the Indian Territory? A 20
This will be nine years.
Q You have been living here all the time for the past three
years? A Yes sir, been living here nine years.
Q Where did you live before you came to the Territory? A
In Texas.
Q Were you born in Texas? A Yes sir, I was born and raised in
Texas.
Q What is your father's name? A John T. Thompson.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did he claim to have? A
I don't know exactly how much he claimed; my grand-father claimed
to be a quarter and my grandmother claimed to be a half-breed,
but her name has never been found on the record at all.
Q Has your father's name ever been upon the Tribal rolls of the
Choctaw Nation? A
No sir.
Q Has he ever been recognized by the Tribal authorities as a
citizen of the Choctaw Nation? A No sir.
Q What is your mother's name? A Mary J.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim to have?
A I guess its something about one-sixteenth.
Q You are claiming enrollment for yourself and your children
as Choctaws by blood? A Yes sir.
Q Has your name ever been upon the Tribal rolls of the Choctaw
Nation? A Yes sir.
Q We went before the Indian council at Atoka.
Q When was that? A In 1896.
Q Did the Indian council ever hold session at Atoka? A Yes
sir I think they did, I reckon that's the place.
Q You mean, do you not that you went before some committee or
commission? A That is what I reckon it was.
Q Did you ever appear before the Council at Tuskahoma? A
No sir.
Q What did the Board of Commissioners of the Choctaw Nation do
in regard to your case? A They put me on the roll I guess. I
got some papers from them.
Q Did the Council of the Choctaw Nation ever recognize you?
A I don't understand that much.
Q What month in 1896 was this action taken? A In December
1896.
Q That is the only application you ever made to the Tribal au-
thorities is it? A Yes sir.
Q Did you apply to the Census Commission in the year 1896?
A No sir.
Q Is this the first time you have ever appeared before the
Census Commission? A I went before them at Dallas, but they
didn't give me any trial.
Q What is the name of the father of your children? A T. J.
O'Quinn.
Q Is he living? A Yes sir.
Q How many children living with you at home? A I have four

Mary E. O'Quinn et al #3

Q your minor children are living with you? A Yes sir.
Q Their post-office address and residence is the same as yours?
A Yes sir.
Q Give their names and ages A James Walter, seventeen;
Dora Ethel, fifteen; Thomas Mayfield, twelve; Ora May, nine.
Q Is there any additional statement that you would like to make
at this time? A No sir.

Q Have you got any papers that you wish to file? A Yes sir.
Note: Application and affidavit of Mary E. O'Quinn offered
in evidence, marked Exhibit "A"; Affidavit of J.N.W. Liddy, offered
in evidence, marked Exhibit "B"; certified copy of the records of
the Revisory Board of the Choctaw Nation offered in evidence, marked
Exhibit "C"; Affidavit of Lavinia Franklin offered in evidence
marked Exhibit "D"; affidavit of Henry M. Perkin offered in ev-
idence, marked Exhibit "E"; Affidavit of R. E. Colbert offered in
evidence, marked Exhibit "F".

Decision withheld.

M.D. Green, being first duly sworn, states that as stenographer to
the Commission to the Five Civilized Tribes he reported the fore-
going case, and that the above and foregoing is a full, true and
complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 5 day of July 1900.


Acting Chairman

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Thomas J. O'Quin for the enrollment of himself, his sons in law, Jesse M. Holloway and Wilson Leddy, his daughter in law, Mary O'Quin, as citizens by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mary E. O'Quin (nee Thompson), and his children, John F. O'Quin, Martha A. Holloway (nee O'Quin), Minnie L. Leddy (nee O'Quin), James W. O'Quin, Dora M. O'Quin, Thomas M. O'Quin, Ora I. O'Quin, and his grandchildren, Jesse M. Holloway, Willie M. Holloway, Roland Saphon, and Dolphy O'Quin, as citizens by blood of the Choctaw Nation.

D e c i s i o n .

It appears from the record in this case that during the month of September, 1889, the applicant, Thomas J. O'Quin, appeared before the Commission at South McAlester, Indian Territory, and made application for the enrollment of himself and his sons in law, Jesse M. Holloway and Wilson Leddy, his daughter in law, Mary O. Quin, as citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Mary E. O'Quin (nee Thompson), and his children, John F. O'Quin, Martha A. Holloway (nee O'Quin), Minnie L. Leddy (nee O'Quin), James W. O'Quin, Dora M. O. Quin, Thomas M. O'Quin, and Ora I! O'Quin, and his grandchildren, Jesse M. Holloway, Willie M. Holloway, Roland Saphon, and Dolphy O'Quin, as citizens by blood of the Choctaw Nation; and that thereafter, on June 21, 1890, Mary E. O'Quin, the wife of Thomas J. O'Quin, appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and her minor children, James W. O'Quin under the name of James Walter O'Quinn, Dora M. O'Quin under the name of Dora Ethel O'Quinn, Thomas M. O'Quin under the name of Thomas Mayfield O'Quin, and Ora I. O'Quin under the name of Ora May O'Quinn.

It also appears that the names of the applicants, Thomas J. O'Quin, Jesse M. Holloway, Wilson Leddy, Mary E. O'Quin, Martha A. Holloway, Minnie L. Leddy, James W. O'Quin, Dora M. O'Quin, Ora I! O'Quin, Jesse M. Holloway (Jr.), appear upon the 1884 census roll of the Choctaw Nation; that the applicants Willie M. Holloway and Roland Saphon, and minor children respectively of Martha A. Holloway and John F. O'Quin, were upon the last tribal roll of the Choctaw Nation.

compiled.

It appears that the applicants Thomas J. O'Quin, Jesse M. Holloway, Wilson Laddy, Mary E. O'Quin, Martha A. Holloway, James W. O'Quin, Dora M. O'Quin, Ora I. O'Quin, Jesse M. Holloway (Jr.), were enrolled upon the 1896 census roll of the Choctaw Nation during the month of December, 1896. Under the act of Congress approved June 10, 1896, this enrollment was subsequent to the time within which the tribal authorities of the Choctaw Nation were authorized to admit claimants to citizenship or enrollment, and was therefore without authority of law.

It further appears that the applicants, John T. O'Quin, Thomas W. O'Quin, May O'Quin, and Boland Saphon are not now, and never have been enrolled by the tribal authorities of the Choctaw Nation; that their names are not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission; that they were not admitted to citizenship in the Choctaw Nation by this Commission or by a legally constituted court or committee of the Choctaw Nation, or by the United States court on appeal, in accordance with the provisions of the Act of Congress approved June 10, 1896, (28 Stat., 321).

The act of Congress approved June 20, 1896 (30 Stat., 495), authorizes and directs this Commission

"... to make correct rolls of the citizens by blood of all the other tribes (except Cherokee), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants, born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of the said tribes."

It appears that the said applicants, Thomas J. O'Quin, Jesse M. Holloway, Wilson Laddy, and May O'Quin, who claim the right to enrollment as citizens by intermarriage of the Choctaw Nation, were never married to a recognized citizen of the Choctaw Nation, under Choctaw law, as required by the laws of said Nation.

It is therefore the opinion of this Commission that Thomas J. O'Quin, his sons in law, Jesse M. Holloway and Wilson Laddy, his daughter in law, May O'Quin, his wife, Mary E. O'Quin, his children, John T.

O'Quinn, Martha A. Holloway (nee O'Quinn), Martha E. Lacey (nee O'Quinn),
James W. O'Quinn, Nora M. O'Quinn, Edward M. O'Quinn, Ora I. O'Quinn,
his grandchildren, James H. Holloway, Willie E. Holloway, William L. Holloway,
and Dorothy O'Quinn, are not entitled to be enrolled as members of the
Choctaw Nation, and their applications as such should be refused, and
it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Dated at Muskogee, Indian Territory,

HOLLYOICE M. A. S.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskegee, I. T., December 17, 1906.

R-217

In the matter of the application for the enrollment of
JESSE M. HOLLOWAY as a citizen by intermarriage of the Choctaw
Nation.

Jesse M. Holloway, being sworn by Chas. E. Webster, Notary
Public, and examined, testified as follows:

On behalf of Commissioner:

Q What is your name?

A Jesse M. Holloway.

Q How old are you?

A 38.

Q What is your postoffice address?

A Marlow.

Q You are a white man?

A Yes sir.

Q You make no claim to Choctaw blood?

A No sir.

Q Through whom do you claim your intermarried rights?

A Mattie Bolensiefen she was whom I married her - Mattie O'Quinn
before that.

Q What was the name of the father of your wife?

A Thomas J. O'Quinn.

Q What was the name of her mother?

A Mary E. O'Quinn.

Q Then your wife had been married prior to her marriage with you?

A Yes sir.

Q To whom?

A Bolensiefen, - George Bolensiefen.

Q When were you married to Mattie Bolensiefen?

A I was married I think in 1893 or 4. I am not positive about it -
in June - I wont say for certain.

Q Was George Bolensiefen dead at that time?

A Yes sir.

Q Had she ever been married to anyone besides George Bolensiefen
prior to her marriage to you?

A No sir.

Q How old is your wife?

A She is 32.

Q Were you married to Mattie Bolensiefen in accordance with the
Choctaw laws?

A No sir.

Q From whom did you obtain your marriage license?

- A From the United States Court - the Clerk's office at Ardmore.
 Q Have you the marriage license with you at this time?
 A No sir; I gave my marriage license to the attorneys when I made application and I haven't seen them since. It was recorded at Ardmore and I thought I could get a copy but the record was destroyed and I couldn't get it.
 Q Have you lived continuously in the Chickasaw Nation since the date of your marriage?
 A Yes sir. Lived in the Chickasaw Nation 15 years or more.
 Q Have you lived continuously with Mattie Helen Siefen as her husband since the date of your marriage?
 A Yes sir.
 Q And the only marriage solemnized between you and Mattie Helen Siefen was the marriage which was solemnized in accordance with the license obtained from the United States Court?
 A Yes sir.

Witness presents a certificate from the Clerk of the United States Court for the Southern District of Indian Territory showing that the Court House at Ardmore, I.T. was destroyed by fire on April 17, 1895; that among the records of the U. S. Court for the Southern District so destroyed was the marriage license record of all licenses and certificates issued and recorded prior to April 17, 1895.

- Q You obtained your license from the United States Court for the Southern District of Indian Territory?
 A Yes sir, they came from Ardmore.

(Witness dismissed)

Witness requests that the record in the case of William C. Thompson, et al, be considered in connection with the record in this case.

I, May Hudson, state upon oath that as stenographer to the Commissioner to the Five Civilized Tribes I correctly recorded the testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof. (R: & O.R.)

Subscribed and sworn to before me
 this 19th day of December, 1904.

May Hudson
Notary Public

Indian Territory,
Southern District.

I, C. M. Campbell, Clerk of the United States Court, Southern District, Indian Territory, do hereby certify that on April 17, 1895, the Court House at Ardmore was destroyed by fire, together with some of the records of the United States Court for the Southern District, Indian Territory; that among said records so destroyed was the marriage license record of all marriage license and certificates issued and recorded prior to April 17, 1895; that this office is unable to furnish a certified copy of any marriage license issued prior to that time for the reason as above stated.

IN TESTIMONY WHEREOF, Witness my hand and official seal, this 5th day of December, 1906.

C. M. CAMPBELL, Clerk.

By N. H. McCoy, Chief Deputy.

(SEAL).

Indian Territory,
Southern District

Affidavit.

We, T. J. Oquin and Mary E. Oquin after being duly qualified state upon our oaths:

That Mattie Holloway is a daughter of ours, and that she was duly and legally married to Jesse M. Holloway about the 5th day of June 1893, at Marlow, Indian Territory, the said ceremony being performed by the Rev. J. E. Southwood who was at that time a duly authorized person to perform said ceremony.

T. J. Oquin ^{his} X
mark.

Mary E. Oquin.

J. W. Hadley

H. H. Duncan

Subscribed and sworn to before me, a Notary Public for the Southern District of the Indian Territory, this the 15th. day of December 1906, at Marlow, I.T.

P. B. Allen

(SEAL)

My commission expires May 10, 1909.

7-R-217.
O.L.J.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N .

It appears from the census card record in this case that in 1899, application was made to the Commission to the Five Civilized Tribes for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The applicant herein claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage on June 5, 1898, under United States law, to Mattie Bolen-siefen, a recognized and enrolled citizen by blood of the Choctaw Nation, whose name (as Mattie Holloway) appears as No. 16006 upon the final roll of citizens by blood of the Choctaw Nation approved by the Secretary of the Interior June 16, 1906.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, the applicant is identified upon the 1896 Choctaw Census Roll, opposite No. 14676, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that the applicant has ever been admitted to Choctaw citizenship by any duly constituted authority, nor has said applicant ever been married to Mattie Holloway, through whom he claims his intermarried rights, by virtue of a license issued by the tribal authorities of the Choctaw Nation.

I am, therefore, of the opinion that the application made for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 1 - 1907

7-R-217

COPY.

Muskogee, Indian territory, January 10, 1907.

Jesse W. Halloway,

Marlow, Indian territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. D. James Bixby
Commissioner.

Registered.
Incl. 7-R-217.

7-R-217

COPY.

Muskogee, Indian Territory, January 10, 1907.

Chester Howe,
Washington Loan and Trust Building,
Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Laine Bixey*
Commissioner.

Incl. 7-R-217.

7-R-217

COPY.

Muskogee, Indian Territory, January, 10, 1907.

Mansfield, McMurray, and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

RED Tame Foxby
Commissioner.

Incl. 7-R-217.

COPY.

Wuskegee, Indian Territory, January 10, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Chectaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, denying said application.

Respectfully,

THED *Jame L. Exby*
Commissioner.

2 incl. 7-R-217
Through the
Commissioner of Indian Affairs.

D.C.12473.
I.T.D.4806-1907.
L.R.S.
Direct.

G.R.
LLB.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D.4564), in the consolidated case of William G. Thompson et al., and in accordance with the recommendation of the Indian Office of February 23, 1907 (Land 3848), copy whereof is inclosed, your decision of January 10, 1907, denying the application of Jesse M. Holloway for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

1 inc. and 2 to Ind. Of.

A. F. Mc.
3-107.

Land
3848-1907.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, enclosing record in the matter of the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, dated January 10, 1907, denying the application.

It appears from the record that application was made to the Commission to the Five Civilized Tribes in 1899 for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The applicant bases his right to enrollment as a citizen by intermarriage by reason of his marriage to Mattie Bolensiefen on June 5, 1893, under the United States law.

Mattie Bolensiefen is a recognized and enrolled citizen by blood of the Choctaw Nation, and her name appears on the approved final roll of citizens by blood of that Nation, opposite No. 16006.

It does not appear from the record that the applicant has ever been admitted to Choctaw citizenship by any duly constit-

authority, nor has he ever been married to Mattie Holloway, through whom he claims his intermarried rights by virtue of a license issued by the tribal authorities of the Choctaw Nation.

The Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, denying his application for enrollment as an intermarried citizen of the Choctaw Nation, is correct, and it is recommended that it be affirmed.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

EWB-SD.

7-2-217

Muskogee, Indian Territory, April 18, 1907.

James M. Holloway.

Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-R-217

Waskagee, Indian Territory, April 14, 1907.

Chester Howe,

Washington Loan and Trust Building,

Washington, D. C.

Dear Sir:

You are hereby advised that on February 28, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Jesse M. Jolloway as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-2-217

Muskogee, Indian Territory, April 16, 1907.

Mansfield, McMarrey & Gernick,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 26, 1907, the Secretary of the Interior affirmed the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

WCF

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
Muskogee, I.T., December 17, 1906.

R-217

In the matter of the application for the enrollment of
JAMES M. W. LEDDY as an intermarried citizen of the Choctaw Nation.

James M. W. Leddy being sworn by Chas. H. Webster, Notary
Public, and examined, testified as follows:

On behalf of Commissioner:

- Q What is your name?
A James M. W. Leddy.
Q Are you sometimes called Wilson Leddy?
A Yes sir.
Q What is your age?
A 35 years.
Q What is your postoffice address?
A Marlow, Indian Territory.
Q What is the name of your father?
A My father was John W. Leddy.
Q What was the name of your mother?
A Miriam M. Leddy.
Q Are you a white man?
A Yes sir.
Q You make no claim to Choctaw blood?
A No sir.
Q Are you married?
A Yes sir.
Q What is the name of your wife?
A Minnie Lee Leddy.
Q Who was the father of Minnie Lee Leddy?
A Thomas J. O'Quinn.
Q What was the name of her mother?
A Mary M. O'Quinn.
Q How old is Minnie Lee Leddy?
A I believe she is 29; I won't be positive as to that age.
Q You have been living in the Choctaw Nation ever since you married?
A In the Chickasaw Nation. I haven't lived there all the time. I moved to Oklahoma, just across the line, in 1900 and moved back last Spring.
Q When were you married to Minnie Lee Leddy?
A I have the marriage license here. In 1895.

Witness presents marriage license and certificate of marriage
showing he was married on January 2, 1895, to Minnie L. O'Quinn.

said marriage license being issued by the Clerk of the United States Court in Indian Territory.

Q Were you ever married to Minnie Lee Laddy in accordance with the tribal laws of the Choctaw Nation?

A I was not.

Q The marriage which was performed in accordance with this license is the only one which has been solemnized between you and Minnie Lee Laddy?

A That is all.

Q You are living with her now?

A Yes sir.

Q Was she ever married before she married you?

A No sir.

Q You ever married before you married her?

A No sir.

(Witness excused)

I, May Hudson, state upon oath that as stenographer to the Commissioner to the Five Civilized Tribes I correctly recorded the testimony in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof. (S. & O.E.)

May Hudson

Subscribed and sworn to before me this 17th day of December, 1906.

Walter W. Chappell
Notary Public.

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
THIRD JUDICIAL DIVISION.

SS.

TO ANY PERSON AUTHORIZED BY LAW
TO SOLEMNIZE MARRIAGE - GREETING:

You are hereby commanded to solemnize the Rite and publish the Bans of Matrimony between Mr. J. M. W. Luddy of Marlow in the Indian Territory, aged 23 years, and Miss Minnie L. O'Quin of Marlow in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein names.

WITNESS my hand and Official Seal this 27 day of Dec. A. D. 1894.

Jos. W. Phillips,

By S. L. Garrett, Deputy.

CLERK OF THE U. S. COURT.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
THIRD JUDICIAL DIVISION.

SS.

I, E. F. McClanahan, a Minister
of the Gospel DO HEREBY CERTIFY,

That on the 3 day of Jan. A. D. 1895, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 4 day of Jan. A. D. 1894.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, 2 Judicial Division, Book A, Page 53.

(Signed) E. F. McClanahan,
a Minister of the Gospel.

CERTIFICATE OF RECORD OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY
THIRD JUDICIAL DIVISION. act.

I, Joseph W. Phillips, Clerk of the United States Court in the Territory and Division aforesaid, DO HEREBY CERTIFY that the

License for and certificate of the Marriage of J. M. W. Leddy and Minnie Lee O'Quin were filed in my office in said Territory And Division the ____ day of _____, A. D. 189____, and duly recorded in Book 7 of marriage Records, page 193.

WITNESS my hand and seal of said Court, at Ardmore, this 5 day of Jan. A. D. 1895.

JOSEPH W. PHILLIPS, Clerk.

By S. L. Garrett, Deputy.

Indian Territory :

Southern District:

Before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory personally came and appeared James M. W. Leddy to me well known who after being by me duly sworn on his oath states, that he is 34 years old has resided in the Chickasaw Nation Indian Territory, for the past 21 years except for a short time he lived in Oklahoma Territory that he was married to Minnie Lee O'Quinn on the 3rd day of January 1895, Myself and wife Minnie Lee were recognized and enrolled as citizens of the Choctaw Nation at Tuskahoma Indian Territory by the Choctaw revisory board on or about January 6, 1897 that Solomon J. Homer the then National Secretary of the Choctaw Nation issued to Thomas J. O'Quinn and Mary E. McQuinn (My Father and Mother in law) and their family a certificate of citizenship under the seal of the Choctaw Nation and that my name and that of my wife Minnie Lee were included in said certificate. We were then residents of the Chickasaw Nation Indian Territory, remaining there for a number of years when we found it to our financial interests to move to Oklahoma Territory where we remained for a time returning to the Chickasaw Nation Indian Territory, our home being there where we now live in the town of Malow, Indian Territory.

James M. W. Leddy

(seal)

Subscribed and sworn to before me this the 22 May 1906

Geo T. Putty

Notary Public

(copy)

BEFORE THE HONORABLE SECRETARY OF THE INTERIOR,
THROUGH THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J.M.W. Leddy,
for enrollment as a citizen by blood of the Choctaw Nation,
as consolidated with the case of William C. Thompson, et al.

M O T I O N.

Comes now James J.W. Leddy, by his attorney,
Chester Howe, and respectfully moves for a reconsideration of
the decision in the above entitled case, and, as grounds for
same, alleges the following specifications of error:

FIRST: That James Leddy was enrolled as a member of said
nation, with the family of Thomas J. O'Quinn, he having married
a daughter of said Thomas J. O'Quinn, and that the same is
shown by the record of the case (page 193);

SECOND: That he filed formal application, as shown by the
record (Page 191);

THIRD: That, through inadvertence, no mention was made
of this application in the decision rendered in said case;

AND HE, THEREFORE, PRAYS: That said decision
may be reconsidered, and his name may be added to the roll of
Choctaw Indians by blood under the record heretofore made.

Respectfully submitted,

Chester Howe

Atty for applicant.

(copy)

UNITED STATES OF AMERICA }
DISTRICT OF COLUMBIA: } U. S.

Personally appeared before me, the undersigned authority, Chester Howe, who being duly sworn according to law, on oath stated;

That he has served a true and correct copy of the foregoing upon the attorneys of record for the Choctaw-Chickasaw Nation, Messrs. Mansfield, McMurray & Cornish, by forwarding same to their postoffice address, South McAlester, Indian Territory, by registered mail, registry receipt for which is hereunto attached; and that said motion is filed in good faith, and not for the purpose of delay.

Chester Howe

Subscribed and sworn to before me this 20th day of
June, 1906.

B. H. Parkins,

Notary Public.

(SEAL)

(Registry receipt attached here)

Barlow, Indian Territory May 22nd, 1904.

Hon. E. A. Hitchcock,

Secretary of the Interior,

Washington, D.C.

Dear Sir:-

Not knowing the true status of my claim for citizenship in the Choctaw Nation of Indians which has been pending for nearly ten years without having received any definite information from the powers that be would respectfully ask that you inform me as to the true status of my claim that I may proceed in an intelligent way in making a proper presentation to your office for final enrollment and etc.

Yours very truly,

James M. W. Leddy

Indian Territory :
Southern District :

Before me Geo. T. Putty a notary public in and for the Southern District of the Indian Territory personally came and appeared Mary E. O'Quin to me well known who after being by me duly sworn on her oath states that she is 44 years old that she is the mother of Minnie Lee Ledy, now the wife of James M. W. Ledy who was a citizen of Marlow Chickasaw Nation Indian Territory when she moved to said town on the 2 day of February 1892, and that he had remained as a resident of said town of Marlow, since said date with the exception of the time when he found it both convenient and necessary to promote his financial interest in the way of making of a living move to Oklahoma Territory the said James M. W. Ledy was resident of Marlow Indian Territory when he married my daughter Minnie Lee on January 3 1895, was a citizen of Marlow, when my daughter Minnie Lee now Ledy was recognized and enrolled as a citizen of the Choctaw Nation by blood on or about the 6 day of January 1897 when the said James M. W. Ledy was also enrolled as a citizen of said nation by intermarriage they have been residents of the said town of Marlow, ever since and are now residents of Marlow, with the exception as above stated as non-residents for a time in Oklahoma. Am reliably informed by an official of the land office at Ardmore I. T. he having access to the Citizenship rolls of the Choctaw Nation that the names of James M. W. Ledy and Minnie Lee Ledy nee O'Quin were duly inscribed on the citizenship rolls of the Choctaw Nation that both of their names were inserted in a certificate of citizenship issued by Solomon J. Homer then National Secretary of the Choctaw Nation said certificate of citizenship having been issued to me and to my family and bearing date on or about January 6, 1897.

Subscribed and sworn to before me this the 22nd of May 1906
(seal)

Geo T Putty

7-B-217.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James M. W. Leddy, as a citizen by intermarriage of the Choctaw Nation.

D E C I S I O N.

It appears from the census card record in this case that in 1899 application was made to the Commission to the Five Civilized Tribes for the enrollment of James M. W. Leddy as a citizen by intermarriage of the Choctaw Nation.

The applicant claims his right to enrollment as a citizen by intermarriage of the Choctaw Nation by reason of his marriage on January 3, 1896, under United States law, to Minnie Lee Leddy, whose application for enrollment as a citizen by blood of the Choctaw Nation was granted by the Commissioner to the Five Civilized Tribes January 10, 1907.

Upon an examination of the tribal rolls of the Choctaw Nation in the possession of this office, it appears that the applicant is identified upon the 1896 Choctaw Census Roll, opposite No. 14976, enrolled thereon as a citizen by intermarriage of the Choctaw Nation.

It does not appear from the record herein or from the records in the possession of this office that said applicant has ever been admitted to Choctaw citizenship by any duly constituted authority, nor has said applicant ever been married to Minnie Lee Leddy, through whom he claims his right to enrollment by virtue of a license issued by the tribal authorities of the Choctaw Nation.

I am, therefore, of the opinion that the application for the enrollment of James M. W. Leddy as a citizen by intermarriage of the Choctaw Nation should be denied, under the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.



Commissioner.

Muskogee, Indian Territory,

JAN 12 1907

7)-R-217.

Muskogee, Indian Territory, January 12, 1907.

James M. W. Leddy,

Marlow, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, denying the application for your enrollment as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

James M. W. Leddy

Commissioner.

Registered.

Incl. 7-R-217.

7-B-217

Muskogee, Indian Territory, January 12, 1907.

Chester Howe,
Washington Loan and Trust Building,
Washington, D. C.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, denying the application for enrollment of James M. W. Ledy, as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case, is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

W. H. Murray
Commissioner.

Incl. 7-B-217

Registered.

7-12-217.

CC

Muskogee, Indian Territory, January 12, 1907.

Manefield, McMurray and Cornish,

Attorneys for Choctaw and Chickasaw Nation.

South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 12, 1907, denying the application for enrollment of James M. W. Leddy, as a citizen by intermarriage of the Choctaw Nation.

The decision, with the record of proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED *Thos. Smith*

Commissioner.

Incl. 7-R-217.

Montegee, Indian Territory, January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of proceedings in the matter of the application for the enrollment of James M. W. Laddy, as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner to the Five Civilized Tribes, dated January 12, 1907, denying said application.

Respectfully,

SIGNED

Commissioner.

2 Incl.7-B-217

Through the

Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

D.C. 10518-1907.
I.T.D. 3262-1907.

WASHINGTON.

O.K.

February 19, 1907.

L. R. E.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 15, 1907 (Land 3058), your decision of January 12, 1907, denying the application of James M. W. Ledy, for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

A motion for reconsideration of said decision filed on behalf of applicant by Chester Howe, Esq., is hereby denied.

You will advise applicant and his attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a copy hereof. Copy of the Indian Office letter is enclosed.

Respectfully,

THOS RYAN,

First Assistant Secretary.

1 inc. and 2 Inc.
to Ind. Of.

A. F. Mc.
2-20-07.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
5055-1907.

WASHINGTON.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 12, 1907, transmitting the record relative to the application of James M. W. Leddy for enrollment as a citizen by intermarriage of the Choctaw Nation. On January 12, 1907, the Commissioner denied the application.

The record shows that the applicant claims right to enrollment as a citizen by intermarriage by virtue of his marriage, on March 3, 1905, to Minnie Lee Leddy, whose application for enrollment as a citizen of the Choctaw Nation by blood was granted by the Commissioner to the Five Civilized Tribes on January 10, 1907. The marriage was performed in accordance with the laws of the United States.

Even though Mary Lee Leddy is entitled to enrollment, the applicant is not, as a citizen by intermarriage, because the marriage was not performed in accordance with the laws, usages and customs of the Choctaw Nation, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAW-GH.

7-2-217

Mustache, Indian Territory, May 4, 1907.

James H. V. Diddy,

Marlow, Indian Territory,

Dear Sir:

You are hereby advised that on February 19, 1907, the Secretary of the Interior affirmed the decision of this office of January 12, 1907, denying the application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

Respectfully,

Commissioner.

7-2-117

Shahago, Indian Territory, May 6, 1907.

Chester Howe,
Washington Loan & Trust Building,
Washington, D. C.,

Dear Sir:

You are hereby advised that on February 12, 1907, the Secretary of the Interior affirmed the decision of this office of January 12, 1907, denying the application for the enrollment of James H. W. Ledy, as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

7-2-217

Washago, Indian Territory, May 6, 1907.

Hensfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on February 19, 1907, the Secretary of the Interior affirmed the decision of this office of January 12, 1907, denying the application for the enrollment of James H. W. Leddy as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

Commissioner.

(Copy)
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

~~J.V.M.~~
LBS.

I.T.D. 4222-1906.

April 4, 1906.

D.C. 12754-1906.

LBS.

Page 9 copy this

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On April 5, 1905, the Department rendered a decision concerning the following Choctaw enrollment cases:

Mary E. O'Quinn et al., M.C.R. 7124,
Rufus O. Thompson et al., M.C.R. 531,
Mattie Holloway et al., M.C.R. 458.

In said decision it was held that the applicants in the cases referred to above were not entitled to be identified as Mississippi Choctaws, or to be enrolled as citizens by blood of the Choctaw Nation.

In view of the approved opinions of the Assistant Attorney-General in the Choctaw enrollment ^{cases} of James S. Long et al. and William C. Thompson et al., copies of which were recently forwarded to you, the Department has reconsidered its said decision of April 5, 1905.

Title H.C.R. 7124 includes the application of Mrs. O'Quinn for the enrollment of herself and children as Choctaws by blood, and for the enrollment of her husband, Thomas J. O'Quinn, as a citizen by intermarriage of the Choctaw Nation. From the testimony of Mrs. O'Quinn it appears that she is a one-sixteenth Choctaw; that she was born about 1854 in Texas; that she continued to reside therein until the year 1891, and that she then removed to the Choctaw-Chickasaw country. She was married March 22, 1871, to the said Thomas J. O'Quinn, prior to her removal to the Territory. It further appears that she is the daughter of John T. Thompson, deceased, a one-eighth Choctaw, by Mary J. Kerr, a white woman; further that the said John T. Thompson is a son of Archibald Thompson, and that the latter was the son of Henry Thompson, a white man, by a half-blood Choctaw woman named Margaret McCoy. It is here noted that the Archibald Thompson referred to above was the uncle of the principal applicant in the case of William C. Thompson et al., H.C.R. 341. The record also shows that the name of Mrs. O'Quinn, as well as the names of her husband and children, appear upon the 1896 roll of the Choctaw Nation.

According to the opinions referred to above, the Department has jurisdiction to determine these cases upon their merits,

inasmuch as the applicants are so enrolled. Those of them who are of Choctaw blood are entitled to be enrolled, inasmuch as they removed to the Choctaw-Chickasaw country and established a residence therein prior to June 28, 1898. It does not appear, however, that Thomas J. O'Quinn, who claims by intermarriage, is entitled to enrollment. This conclusion follows because his marriage to Mary E. O'Quinn occurred in Texas in 1871 at a time when he had not, so far as the record reveals, been a citizen of the Indian Territory for several years, if at all. Under such circumstances, it is considered he would be barred from enrollment by the act of the Choctaw Council approved October, 1840. See page 120, eighth annual report of the Commission to the Five Civilized Tribes. Nor does the record disclose that subsequent to his removal to the Territory he remarried the principal applicant in accordance with the tribal laws.

Although modifying its decision as indicated above, concerning the enrollment of the applicants embraced under title M.C.R. 7124, the Department adheres to its former decision in so far as it was determined therein that they are not entitled to identification as Mississippi Choctaws.

Title M.C.R. 581 includes the application of Rufus O. Thompson for the enrollment of himself as a Choctaw by blood, and the

enrollment of his wife, Martha Louisiana Thompson, as a citizen by intermarriage of the Choctaw Nation. The principal applicant included under this title is a brother of the said Mary H. O'Quinn. He was born in Texas and resided therein until about the year 1891, when he removed to the Indian Territory. His name and that of his wife appear upon the 1896 census roll of the Choctaw Nation, placed thereon by the revisory committee in January, 1897.

Accordingly, the Department has jurisdiction to determine his case upon its merits, and it now finds that by blood and residence he is entitled to enrollment as a citizen by blood of the Choctaw Nation, and his wife as a citizen by intermarriage thereof. See opinions referred to above, relative to the enrollment of James S. Long and William C. Thompson.

It does not appear, however, that the decision of the Department, to the effect that the applicants embraced under title M.C.R. 581 are not entitled to identification as Mississippi Choctaws, should be disturbed.

Title M.C.R. 458 includes the application of Mattie Holloway for the enrollment of herself and her minor children, Ivy Bolensiefen, Jessie Holloway, Willie Holloway, and Wallie Hazel Holloway, as citizens by blood of the Choctaw Nation, and for their identification as Mississippi Choctaws. The principal

applicant removed to the Choctaw-Chickasaw country in 1894. Her Choctaw blood is established by the showing that she is the daughter of the said Mary E. O'Quinn.

The Department adheres to its former decision that she and her children are not entitled to identification as Mississippi Choctaws, but concludes, in view of the approved opinions referred to above, that by blood and residence she and her children are entitled to enrollment as citizens by blood of the Choctaw Nation. The jurisdiction of the Department in this case to determine the rights of the applicants upon their merits is based upon the fact that their names appear upon the 1896 census roll of the Choctaw Nation.

For the reasons set forth above, the decision of the Department of April 5, 1903, is rescinded, and the decision of the Commission to the Five Civilized Tribes of March 5, 1904, is reversed, to the extent indicated herein, and you are now directed to enroll all of the applicants in this case except Thomas J. O'Quinn.

The order directing the suspension of all enrollment and allotment proceedings affecting the applicants in the consolidated case of William C. Thompson et al. is hereby revoked, in

as far as it affects the applicants mentioned herein.

Respectfully,

(Signed) Theo. Ryan

Through the Commissioner
of Indian Affairs.

First Assistant Secretary.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

FHE.

D.C. 20658-1906.
I.T.D. 5165-1906.
4055- "
8866- "

May 21, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your office letter of May 4, 1906, relative to the Choctaw enrollment case of John T. O'Quinn, whose application was included in the Mississippi Choctaw case of William C. Thompson, et al.

In said report it is stated that the name of John T. O'Quinn was inadvertently omitted from the decision of the Commissioner to the Five Civilized Tribes of March 5, 1904, in said Thompson case, and that Mr. O'Quinn has been notified that he will be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and that when such testimony has been presented his application for enrollment will be adjudicated and further report made by the Department.

Your office report in this matter is approved and the letter of John T. O'Quinn dated "4-5-06" (I.T.D. 4055-06), is returned herewith to be made a part of the papers in the case.

With Indian Office letter of May 16, 1906, forwarding your

Report referred to above, there was returned, apparently through inadvertence, departmental letter of May 14, 1906, addressed to you, together with the motion for review mentioned therein, relative to the Choctaw intermarried enrollment case of Thomas J. O'Quinn. As this motion was originally forwarded to you in order that there should be no question concerning compliance with the requirements respecting new motions, prescribed by the act of April 26, 1906 (Public No. 129), it is inclosed herewith, together with said departmental letter to you of May 14, 1906, which failed to reach you, to be returned to the Department after record of its filing is made in your office.

A copy of Indian Office letter of May 16, 1906 (Land 40195-06), is also inclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

Through the Commissioner
of Indian Affairs.

4 inclosures.

COPY

(C O P Y)

Refer in reply
to the
following:

Land.
40195-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 4th instant from William O. Beall, Acting Commissioner to the Five Civilized Tribes, wherein he acknowledges the receipt of Departmental letter of April 17, 1906 (I.T.D. 4055-1906), enclosing letter of April 5, 1906, from John T. O'Quinn, of Marlow, Indian Territory, relative to his application for enrollment as a citizen of the Choctaw Nation, which he claims was included in the Choctaw enrollment case of William C. Thompson, et al.

Mr. Beall quotes the Department as saying that the name of John T. O'Quinn was given in by his father, Thomas J. O'Quinn, at South McAlester, Indian Territory, but notwithstanding that his name was submitted to the Commission it failed to include him in its decision of March 4, 1904, as a Mississippi Choctaw or as a Choctaw by blood, and the Department considers that his name was submitted in such a manner as to meet the requirements of an application and no reason is seen why his rights should not ultimately be considered as those of an applicant for enrollment as a citizen by blood of the

Choctaw Nation.

Report is therefore requested as to why final action was not taken in this case.

Reporting, Mr. Beall says that it is shown by the records of the Commissioner's office that application was made by Thomas J. O'Quinn for the enrollment of certain members of his family, as citizens of the Choctaw Nation, among whom was John T. O'Quinn; that when application was subsequently made by Mary E. O'Quinn, wife of Thomas J. O'Quinn, for the enrollment of herself and her children as Mississippi Choctaws, the name of her son, John T. O'Quinn, was not included, and his name was inadvertently omitted from the decision of the Commission of March 5, 1904, in the consolidated Mississippi Choctaw case of William C. Thompson, et al.

Mr. Beall says that John T. O'Quinn was, on the date of his report, notified that he would be permitted to introduce testimony tending to establish his right as a citizen by blood of the Choctaw Nation, and when such testimony has been presented his application for enrollment as a citizen by blood of the Choctaw Nation will be adjudicated and further report made to the Department.

The letter of John T. O'Quinn, enclosed with Departmental communication of April 17, 1906, is returned.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBH-Y.

REPORT, THE HONORABLE SECRETARY OF THE INTERIOR,

WASHINGTON, D. C.

In the matter of the application of Thomas J. O'Quinn, for enrollment as an intermarried Choctaw citizen by blood.

MOTION FOR REVIEW.

Come now, Thomas J. O'Quinn, by his attorney, Chester Howe, and moves for a review of the decision of the Honorable Secretary of the Interior, rendered under date April 4, 1906 (L.T.D. 4222-1906) denying the enrollment of the said Thomas J. O'Quinn, alleging as grounds for said motion the following:

1. Said decision holds that Mary E. O'Quinn was, and is, a Choctaw by blood; that she was born in the State of Texas in 1854; that she continued to reside therein until 1871; that on May 22, 1871, she was married to Thomas J. O'Quinn in said State; that the names of Thomas J. O'Quinn, Mary E. O'Quinn, and her children were placed upon the 1890 census roll of the Choctaw Nation by the duly constituted Choctaw authorities; that said decision holds that Thomas J. O'Quinn is not entitled to enrollment because his marriage to Mary E. O'Quinn occurred in Texas in 1871, by reason of the act of the Choctaw council of 1840, and for further reason that he did not remarry after entering the Territory.

2. That in the above statement of facts as contained in pages one and two of said decision, said conclusion is erroneous for the following reasons:

(a) That the treaty of 1866 superseded and annulled the act of the Choctaw council of 1840.

(b) That the marriage of Thomas J. O'Quinn to Mary E. O'Quinn was in all respects a legal marriage as such.

formity with law at the place of her residence; and that at the time of her marriage, and the place of its solemnity it was impossible for him to do more in order to constitute himself the husband of Mary N. O'Quinn, (and a member of the Choctaw Nation by blood) who was at that time united with him under contract of marriage in strict conformity with law.

(c) That this marriage was followed by continued cohabitation and residence as husband and wife between these parties, and that as such they removed to the Choctaw Nation in the year 1891.

(d) That he was one of the class of persons recognized as citizens, referred to in the act of June 10, 1896.

(e) That as a recognized citizen he was duly enrolled in the year 1896 by Choctaw authorities.

(f) That the roll of 1896 bearing his name was approved by act of Congress of June 10, 1896, and that he asserted his rights therein, occupied land, and is now the occupant and claimant to lands in his own right.

3. That the reference contained in said decision in the following words: "Nor does the record disclose that subsequent to his removal to the Territory he remarried the particular applicant in accordance with the tribal laws," refers to a custom, or an act, which is contrary to good conscience and public policy, and which could not in itself confer any rights for the following reasons:

(a) That at the time both of these parties were married and living in lawful wedlock, and that neither was capable of contracting a new and separate marriage.

(b) That under the general law no sanctity or validity could attach to a second marriage between the same parties where the first was in all respects legal and final.

ing.

(c) That this statute only applied to marriages solemnized within the Choctaw Nation, the subject of marriage and each and every right conferred by marriage being one of State, or, in this case, of national legislation, within the jurisdiction of the legislative body.

4. That said decision holds that in the decision in the case of William C. Thompson, et al, the Department has the right and jurisdiction to determine this case upon its merits, but that said decision properly construed rests upon the question of whether or not any of these people were fraudulently enrolled upon the 1896 census roll, and that said decision does hold in substance and fact that if they were recognized citizens, the enrollment by the Choctaw authorities was a legal enrollment under the act of June 10, 1906, and a matter in which the Commission to the Five Civilized Tribes had no further jurisdiction or authority other than upon the question of fraud.

5. That no fraud is alleged in this case, and that none is shown to exist.

6. That the disenrollment of denial of Thomas J. O'Quinn is based upon legal conclusions only; that the same are erroneous, and should be corrected, WHEREFORE

YOUR APPLICANT PARYS that in so far as he is denied enrollment, the decision of April 4, 1906 be revoked, and rescinded; that his name may be placed upon record with the other members of his family; and for such other and further relief in connection therewith as may be deemed just and proper.

Respectfully submitted,

Chester How

Att. for Thos J. O'Quinn

UNITED STATES OF AMERICA }
DISTRICT OF COLUMBIA } S.E.

Chester Howe, being duly sworn according to law,
on oath states:

That he is attorney at record for Thomas J.
O'Quinn; that the foregoing motion is filed in good faith,
and not for purposes of delay; that he served a true and
correct copy of same upon Messrs. Mansfield, McDermott &
Cornish, attorneys at record of the Choctaw and Chickasaw
Nations, by forwarding the same to them, addressed to their
postoffice address, South McAlester, Indian Territory, by
registered mail, registry receipt for which is herewith
Attached.

Chester Howe

Subscribed and sworn to before me this 9th day of
May, 1906.

Notary Public.

(Registry receipt attached)

COPY.

Muskogee, Indian Territory, January 10, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of May 14, 1906 (I.T.D. 5165-1906), transmitted for report and recommendation a motion for review in the matter of the application of Thomas J. O'Quinn for enrollment as an intermarried citizen of the Choctaw Nation, (filed by Chester Howe of Washington, D. C.).

This motion prays for a review of Departmental decision of April 4, 1906 (I.T.D. 4222-1906), denying the application for the enrollment of Thomas J. O'Quinn as a citizen by intermarriage of the Choctaw Nation.

The motion alleges that Mary E. O'Quinn, the wife of the applicant, is a Choctaw by blood; that she was born in the State of Texas in 1854, where she continued to reside until 1891, and that May 22, 1891, she was married to the applicant, Thomas J. O'Quinn in said state.

The Department in its decision of April 4, 1906, held as follows:

Secretary - 2.

"It does not appear, however, that Thomas J. O'Quinn, who claims by intermarriage is entitled to enrollment. This conclusion follows because his marriage to Mary E. O'Quinn occurred in Texas in 1871, at a time when he had not so far as the record reveals been a citizen of the Indian Territory for several years, if at all. Under such circumstances it is considered he would be barred from enrollment by the Act of the Choctaw Council approved October, 1840. See page 120, eighth annual report of the Commission to the Five Civilized Tribes. Nor does the record disclose that subsequent to his removal to the Territory he remarried the principal applicant in accordance with the tribal laws."

Mr. Howe in his motion alleges error in the decision of the Department in several particulars, the most notable being that the Choctaw and Chickasaw Treaty of 1866 superseded and annulled the Act of the Choctaw Council of 1840.

The Department also under date of May 31, 1906 (I.T.D. 5165, 4055, 8866-1906), in reference to the application for the enrollment of John T. O'Quinn as a citizen by blood of the Choctaw Nation, invited attention to the case under consideration in the following language:

"With Indian Office letter of May 16, 1906, forwarding your report referred to above, there was returned, apparently through inadvertance, departmental letter of May 14, 1906, addressed to you, together with the motion for review mentioned therein, relative to the Choctaw intermarried enrollment case of Thomas J. O'Quinn. As this motion was originally forwarded to you in order that there should be no question concerning compliance with the requirements respecting new motions prescribed by the Act of April 26, 1906 (Public No. 129), it is inclosed herewith, together with said departmental letter to you of May 14, 1906, which failed to reach you, to be returned to the Department after record of its filing is made in your office."

Secretary - 3.

In returning the motion submitted by Mr. Howe, I have the honor to report that it appears from the records of this office that when application was made by Mary E. O'Quinn on March 19, 1903, for the identification of herself and her four minor children as Mississippi Choctaws, the following testimony was submitted in reference to her husband, Thomas J. O'Quinn:

"Q Are you married?
A Yes sir.
Q Is your husband living?
A Yes sir.
Q What is his race?
A White.
Q What is his name?
A Thomas J. O'Quinn.
Q Do you make any claim for your husband?
A No sir."

The record in the consolidated Mississippi Choctaw case of William C. Thompson, et al., which is now before the Department, will also show that Thomas J. O'Quinn personally appeared before the Commission to the Five Civilized Tribes at South McAlester, Indian Territory, in the month of September, 1899, and made application for enrollment as a citizen of the Choctaw Nation.

Apparently the question as to the submission of an application should resolve in favor of the applicant, and as the motion for review was filed with the Department on May 10, 1906, and with the Commissioner to the Five Civilized Tribes May 22, 1906, within the time prescribed by Section One of the Act of Con-

Secretary - 4.

gress approved April 26, 1906 (34 Stat., 137), the Commissioner and the Department are undoubtedly vested with jurisdiction to now determine the merits of the applicant's right to be enrolled as a citizen by intermarriage of the Choctaw Nation.

I have the honor in submitting this case to report that the Commission to the Five Civilized Tribes, and its successor (with the approval of the Department), have held in numerous cases of applicants for enrollment as citizens by intermarriage of the Choctaw Nation, that the Act of the Choctaw National Council of October, 1840, was inoperative after the ratification and promulgation of the Choctaw-Chickasaw Treaty of 1866, and was impliedly repealed by the terms of said treaty.

There was no statute or Act of the Choctaw Council providing for the issuance of a tribal license to white males to marry female citizens of the Choctaw Nation between the date of the Treaty of 1866 and November 9, 1875, the date of the passage of the first law regulating marriages between white persons and citizens of the Choctaw Nation after the adoption of the Treaty of 1866. It has been uniformly held that all white persons lawfully married to citizens by blood of the Choctaw Nation during the interval between the promulgation of the Treaty of 1866 and November 9, 1875, were entitled to enrollment as citizens by intermarriage of the Choctaw Nation. This doctrine was clearly

Secretary - 5

announced by the Department in its decision of May 12, 1906, (I.T.D. 3123-1902, 17440-1905), authorizing the enrollment of Thomas Ashford as a citizen by intermarriage of the Choctaw Nation.

The record in the case of Thomas J. O'Quinn shows that he was lawfully married in the state of Texas in 1871, to Mary E. O'Quinn; that Mary E. O'Quinn is a citizen by blood of the Choctaw Nation, her name appearing upon the final roll of such citizens as approved by the Secretary of the Interior opposite No. 16012; that both of said persons at the time of said marriage were residents in good faith of the State of Texas; and that the applicant, Thomas J. O'Quinn, was a resident in good faith of the Indian Territory, as provided by the Act of Congress approved June 23, 1898 (30 Stats., 495).

The record, however, further shows that at the time of the marriage of Thomas J. O'Quinn to Mary E. O'Quinn, the latter was not a recognized citizen of the Choctaw Nation, nor was she a resident of Indian Territory, and that neither subsequent to her recognition by the Choctaw tribal authorities in 1896, nor subsequent to the establishment of her residence in the Indian Territory, which occurred in 1891, were they remarried under a Choctaw tribal license.

I am, therefore, of the opinion that for the reasons last set forth, the decision of the Department of April 4, 1906 (I.T.D. 4222-1906), denying the application for the enrollment of

Secretary - 6.

Thomas J. O'Quinn as a citizen by intermarriage of the Cherokee Nation should be adhered to, and I so respectfully recommend.

Respectfully,

SIGNED *James Bixby.*
Commissioner.

Incl.

Through the Commissioner
of Indian Affairs.

Thomas J. O'Quinn,
an
intermarried Choctaw

2nd copy this
COPY

Muskogee, Indian Territory, March 6, 1901.

W. A. Miller,

Tulsa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the instant in which you desire that an investigation be made into rolls of the Choctaw Nation and you be informed if Tom O'Quinn is found thereon.

Replying to your letter the Commission has to inform you that it appears from our records that at Muskogee, Indian Territory, in September, 1898, Thomas J. O'Quinn, appeared before the Commission and made application for the enrollment of himself and his wife, Mary H. O'Quinn, his son, John T. O'Quinn, his daughter, Martha A. Holloway, his daughter Minnie Lee, his son James W. O'Quinn, his daughter Dora H. O'Quinn, his daughter Mary H. O'Quinn, his daughter Ora J. O'Quinn, his daughter Mary H. O'Quinn, his son-in-law Jesse H. Holloway, his son-in-law William L. Holloway, his grand sons Jesse H. and Willie A. Holloway, his grand daughter Dora H. Holloway and his grand daughter Mary O'Quinn, as citizens of the Choctaw Nation.

It appears that the name of Thomas J. O'Quinn, his son John T. O'Quinn, his daughter Martha A. Holloway, his daughter Minnie Lee, his son James W. O'Quinn, his daughter Dora H. O'Quinn, his daughter Mary H. O'Quinn, his daughter Ora J. O'Quinn, his daughter Mary H. O'Quinn, his son-in-law Jesse H. Holloway, his son-in-law William L. Holloway, his grand sons Jesse H. and Willie A. Holloway, his grand daughter Dora H. Holloway and his grand daughter Mary O'Quinn, as citizens of the Choctaw Nation, was the only name that is mentioned in the application and a consideration of the testimony at that time.

2017

found that such enrollment upon the Choctaw census roll of 1895 was without authority of law and in pursuance of the power vested in the Commission by the act of Congress of June 25th, 1898, said names were stricken from such tribal roll of the Choctaw Nation and the enrollment of these applicants by the Commission as citizens of the Choctaw Nation, was refused.

Subsequently thereto and on June 21st, 1900, at Colbert, Indian Territory, Mary E. O'Quinn appeared before the Commission and made application for the enrollment of herself and children, James Walter, Dora Ethel, Thomas Hayfield and Ora May O'Quinn as citizens of the Choctaw Nation. At the time of this appearance of Mrs. O'Quinn in addition to her oral testimony there was offered in evidence a written application addressed to the Commissioner of Indian Affairs and numerous affidavits in support of her claim for the enrollment of herself and children as citizens of the Choctaw Nation.

The Commission from a consideration of the testimony at the time of Mrs. O'Quinn's appearance and the documentary evidence offered by her in support of such application, finds no evidence which in any manner would entitle these applicants to further recognition than was given them at the time of Mr. O'Quinn's appearance at South McAlester in 1895. That decision could therefore stand against them and they appear upon the records as having been refused enrollment as citizens of the Choctaw Nation.

Very truly,

SIGNED *Jame Birby*

Acting Chairman.

R 217

COPY.

Muskogee, Indian Territory, April 28th, 1901.

Mr. E. Hamilton,

Attorney at Law,

Chickasha, Indian Territory,

Dear Sir:-

In reply to your personal inquiry relative to the status of Thomas J. O'Quinn, the Commission has to inform you that it appears from our records that, at South McAlester, Indian Territory, in September, 1899, Thomas J. O'Quinn appeared before the Commission and made application for the enrollment of himself and his wife, Mary E. O'Quinn, his son-John T. O'Quinn, his daughter-Martha A. Holloway, his daughter-Minnie Ledy, his son-James V. O'Quinn, his daughter-Dora M. O'Quinn, his son-Thomas V. O'Quinn, his daughter-Ora I. O'Quinn, his daughter-in-law-May O'Quinn, his son-in-law-Jesse M. Holloway, his son-in-law-Wilson Ledy, his grandsons-Jesse M. and Willie M. Holloway, his grandson-Roland Stephen and his granddaughter-Delphy O'Quinn, as citizens of the Cheatew Nation.

It appears from the records that the names of Thomas J. O'Quinn, Mary E. O'Quinn, Martha A. Holloway, Minnie L. Ledy, James V. O'Quinn, Dora M. O'Quinn and Ora I. O'Quinn were found upon the 1890 Census Roll of the Cheatew Nation but the Commission, after an examination of the applicants and a consideration of the testimony at that time, found that such enrollment upon the Cheatew Census Roll of 1890 was without authority of law, and, by virtue of the power vested in the Commission by the Act of Congress of June 30,

R217

1898, said names were stricken from such tribal roll of the Choctaw Nation and the enrollment of these applicants by the Commission, as citizens of the Choctaw Nation, was refused.

Subsequent thereto, and on June 21, 1900, at Oklawaha, Indian Territory, Mary E. O'Quinn appeared before the Commission and made application for the enrollment of herself and children, James Walter, Dora Ethel, Thomas Mayfield and Ora May O'Quinn, as citizens of the Choctaw Nation. At the time of this appearance of Mrs. O'Quinn, in addition to her oral testimony, there was offered in evidence a written application addressed to the Commissioners of Indian Affairs and numerous affidavits in support of her claim for the enrollment of herself and children as citizens of the Choctaw Nation.

The Commission, from a consideration of the testimony at the time of Mrs. Quinn's appearance and the documentary evidence offered by her in support of such application, finds no evidence which, in any manner, would entitle these applicants to further recognition than was given them at the time of Mrs. O'Quinn's appearance at South McAlester in 1898. That judgment would, therefore, stand against them and they appear upon our records as having been refused as citizens of the Choctaw Nation.

Yours truly,

SIGNED *James Dixby*

Acting Chairman.

A217

COPY

Muskogee, Indian Territory, June 20, 1901.

Mr. G. W. Bowers,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you desire to be advised relative to the status of the case of Mary E. O'Quinn, also that of John T. Thompson, for one-half interest in Mississippi Choctaw. You state that you are desirous to make this inquiry from the fact that you are interested, your wife being a sister of these parties, and you state you have been informed that these cases have been appealed to the Secretary of the Interior.

Replying to your letter you are informed that it appears from the records that at South McAlester in September 1890, Thomas J. O'Quinn, appeared before the Commission and made application for the enrollment of himself and his wife, Mary E., and his son, John T. O'Quinn; his daughter Martha A. Hallows; his daughter Minnie Ladd; his son, James W. O'Quinn; his daughter Mary E. O'Quinn, his son, Thomas W. O'Quinn; his daughter, Ora I. O'Quinn; his daughter-in-law, My O'Quinn; his son-in-law, James M. Hallows; his daughter, William Ladd; his grand-son, James M., and Willie M. Hallows; his grand-son, William Ladd, and his grand-daughter, Sadie O'Quinn,

R277

G. W. Humphreys-----

an citizen of the Choctaw Nation.

It appears that the names of Thomas J. O'Quinn, Mary E. O'Quinn, Martin A. Holloway, Willie E. Lott, James W. O'Quinn, Vera E. O'Quinn, and Ora I. O'Quinn, were found upon the 1894 Census Roll of the Choctaw Nation, but after an examination of the applications and consideration of the testimony at that time, it appeared that such enrollment upon the Choctaw Census Roll of 1894 was without authority of law, and in accordance with the Act of Congress of June 30, 1900, relative to such cases, said names were listed to be stricken from such tribal rolls of the Choctaw Nation, and those applicants were listed for rejection as citizens of the Choctaw Nation.

Subsequently thereto, and on June 21, 1900, at Oklawaha, F. L., Mrs. Mary E. O'Quinn appeared before the Commission and made application for the enrollment of herself and children, James Walter, Vera Ethel, Thomas Mayfield, and Ora May O'Quinn, as citizens of the Choctaw Nation. At the time of this appearance of Mrs. O'Quinn, in addition to her oral testimony, there was offered in evidence a written application addressed to the Commissioner of Indian Affairs, and some sworn affidavits in support of her claim for enrollment of herself and children as citizens of the Choctaw Nation, but no evidence being found which would, it appears, in any manner vitiate those applications to further recognition than was given them at the time of Mrs. O'Quinn's appearance at South Wicketon in 1894, the first action

R217

G. V. Humphreys-----3.

stated continued to stand against them, and they still appear upon the records of the Commission as having been listed for rejection as citizens of the Choctaw Nation.

Under date of November 1, 1900, Mrs. Mary E. O'Quinn, made application to the Commission for the transmission to the Secretary of the Interior for his consideration of the record and all papers in the case of her application for identification and enrollment of herself and family as Mississippi Choctaws and members of the Choctaw Tribe of Indians in the Indian Territory. This request will be complied with when the final rolls of the citizens of the Choctaw Nation are sent to the Secretary of the Interior for his approval.

You are further informed that the records of the Commission show that on June 22, 1900, at Colbert, Indian Territory, John E. Thompson appeared before the Commission and made application for the enrollment of himself, his wife, Katie; his daughter, Mary F., and his sons, Charles S., William F., and John M. Thompson, as citizens of the Choctaw Nation by blood.

It appears that on October 1, 1900, there was rendered a decision refusing the application made by John E. Thompson, and his children, as citizens by blood of the Choctaw Nation, but for the enrollment of his wife, Katie Thompson, as an intermarried citizen of the Choctaw Nation, and a copy thereof was mailed with a letter of transmittal of the same date, to John E. Thompson, Colbert, Ind. Ter.

THE NEW YORK PUBLIC LIBRARY

COPY.

Muskogee, Indian Territory, February 12, 1903.

In the matter of the application of Thomas J. O'Quinn for the enrollment of himself, Jesse Holloway, Wilson Laddy and Dora M. O'Quinn as inter-married citizens, and for Mary E. O'Quinn, his wife, and their children, John T. O'Quinn, Martha A. Holloway, Minnie Laddy, James V. Laddy, Thomas M. O'Quinn, Ora I. O'Quinn, May O'Quinn, Jesse M. Holloway, Willie H. Holloway, Solon Saphon and Delphy O'Quinn, as citizens by blood of the Choctaw Nation.

To Thomas J. O'Quinn,

Colbert, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that your wife, yourself and your children are entitled to be identified as Mississippi Choctaws under the act of Congress of June 22, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded

T. J. O'Q., S.

September twenty-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that your wife, yourself and your children are descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.

SIGNED *T. B. Needles.*

Commissioner in Charge,

Register.

COPY.

Washington, Indian Territory, September 22, 1902.

Mr. Harry E. Gifford,

Lawton, Indian Territory.

Dear Sir:

I have to advise you of your letter of the 11th instant, written to the Honorable J. Blair Goodrich, United States Indian Agent, and by him referred to this office for consideration and appropriate action.

You request to be advised whether or not you can still have pending the decision of the Secretary of the Interior as to your rights to citizenship in the Chester Nation.

You are informed that the Commission does not feel authorized in expressing an opinion upon questions relating to the sale, survey or control of lands in the Chester Nation prior to the establishment of a Land Office in said Nation.

Yours truly,

SIGNED: *James D. Birney*

Attest: *James D. Birney*

9-22-1902

7-2-217
COPY.

Muskogee, Indian Territory, September 29, 1908.

Mary E. O'Quinn,

Marlow, Indian Territory.

Dear Madam:-

The Commission is in receipt of your sworn application requesting that the depositions of John Keith, Sam Dobbs and George Gowan be taken to be read in evidence in your application for identification as a Mississippi Choctaw, where to are attached direct interrogatories and proof of service of copies thereof on the attorneys for the Choctaw and Chickasaw Nations.

The records of the Commission fail to show that you have ever made a personal application for identification as a Mississippi Choctaw, but they do show that you have made an application for enrollment as a citizen of the Choctaw Nation by blood.

Section A of Rule 2 of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, reads as follows:

"He must have made personal application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw."

Since you have not as yet made such application a commission to take depositions cannot be issued, and your application

Mary A. O'Connell

to have the depositions taken is herewith returned to you.

The act of Congress of July 1, 1902 (32 Stat. 541) provides "That the application of no person for identification as a Mississippi Choctaw shall be received by this Commission after six months subsequent to the final ratification of this agreement." This is part of an agreement entered into by and between the United States and the Choctaw and Chickasaw Nations and submitted to a vote of the citizens of said nations on September 25, 1902 for their ratification. As yet no official notification has been received of the ratification of said agreement, but in the event of its ratification it becomes effective as of September 25, 1902.

Yours truly,

SIGNED *Tamm Bixby*

Acting Chairman

Enclosure
G.R. 148

Choctaw B-417

COPY

Muskogee, Indian Territory, January 31, 1903.

John T. O'Quin,

Marlow, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Mahafeld, McMurtry & Gornish, has protested against your enrollment as a citizen of the Choctaw Nation, on the grounds that your name was placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED *JAMES BIRBY*

Acting Chairman.

Register.

Choctaw 2-219

COPY,

Muskogee, Indian Territory, February 21, 1905.

Thomas J. O'Quin,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Gerlach, has protested against the enrollment of yourself, your wife, Mary E. O'Quin, and your minor children, Gra I., James V. and Dora E. O'Quin, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1898 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had expired, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1905, at its office at Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1898 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED, Tamm Bixby

Major Chairman.

Register.

Chester 5-1019

COPY.

Muskogee, Indian Territory, January 22, 1903.

Jesse E. Holloway,

Harlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Gossish, has protested against the enrollment of yourself, your wife, Martha A. Holloway, and your minor child, Jesse E. Holloway, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Enrollment Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at the session in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of said persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED: *Toma Blady*

Acting Chairman.

Register.

Choctaw B-217

COPY.

Muskogee, Indian Territory, January 31, 1903.

Wilson Ledy,

Marlow, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McKurray & Gernish, has protested against the enrollment of yourself and your wife, Minnie L. Ledy, as citizens of the Choctaw Nation, on the grounds that your names were placed upon the 1896 Choctaw census roll by the so called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that your said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw census roll without authority of law, at which time opportunity will be given you to introduce any additional testimony or written briefs which you may have to offer in support of your application.

Respectfully,

SIGNED *Jame Dixby*

Acting Chairman.

Register.

7-2-127

COPY.

Muskogee, Indian Territory, March 14, 1903.

Mary E. O'Quin,

Marlow, Indian Territory.

Dear Madam:

The Commission is in receipt of your petition and supporting affidavit in which you allege that you are a descendant of Margaret McCoy and a Mississippi Choctaw Indian. Also your three affidavits in which it is alleged that the evidence of W. E. Jones, William Jones and Stephen McGee is material to your case. Said affidavits are accompanied by direct interrogatories to be propounded to said witnesses, and proof of service of the same on Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

You are informed that it appears from the records of the Commission that Thomas J. O'Quin made application to this Commission for the enrollment of himself, his sons-in-law Jesse M. Holloway and Wilson Leddy as citizens by intermarriage of the Choctaw Nation; and for the enrollment of his wife Mary E. O'Quin, her children and grandchildren as citizens by blood of the Choctaw Nation.

The Commission has not up to the present time rendered any opinion as to the final rights of these applicants to be enrolled as citizens by blood and intermarriage of the Choctaw Na-

W B O'G S

tion. Our records do not show that any application has ever been made for your identification as a Mississippi Choctaw and you are advised that until personal application is made the Commission cannot receive or consider any evidence offered in support of the claims of yourself and family as such Mississippi Choctaws.

The documents above referred to are therefore herewith returned you and your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

SIGNED: *Jame Dixby*

HC 27124

COPY.

Mustang, Indian Territory, March 20, 1931.

Mary E. O'Quin,

Marlow, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing your sworn petition and the affidavits of John T. Thompson and Mary J. Thompson offered for filing in support of the application made by you for the identification of yourself and family as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

SIGNED *Tams Bixby*

Chairman.

U.C.R. 7124.

COPY.

Washago, Indian Territory, April 7, 1903.

George T. Petty,

Attorney-at-Law,

Marlow, Indian Territory.

Sir:

The Commission is in receipt of your communication of March 31, 1903 enclosing affidavits of Mary N. O'Quinn, an applicant before this Commission for identification as a Mississippi Choctaw, wherein she sets forth her reasons for desiring to have the depositions of William Jones and Stephen Molee, residents of the State of Texas, taken for use in the case of Mary N. O'Quinn, et al., U.C.R. 7124, together with direct interrogatories to be propounded to said witnesses and proof of service of the same upon the attorneys for the Choctaw and Chickasaw nations.

The application to take the deposition of said witnesses being in due form, will be placed on file and held fifteen days for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw nations, at the expiration of which time commission will be issued for the taking of the depositions of said witnesses, and the same will be forwarded to you to be placed in

George E. Petty--42.

the hands of an officer authorized by law to take depositions.

Respectfully,

SIGNED *George E. Petty*

Chairman.

RECEIVED

COPY.

Ballinger, Indian Territory, April 20, 1903.

Thomas J. McGuinn,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 20, 1903, wherein you make inquiry as to certain depositions, presumably in support of the case of your wife Mary E. McGuinn.

In reply you are informed that the depositions, interrogatories and cross interrogatories for the deposition of William Jones and Stephen Koles have this day been forwarded to George E. Putty, Attorney at Law, Marlow, Indian Territory.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

N.C.R. 7124.

COPY.

Mustang, Indian Territory, April 24, 1903.

George T. Putty,

Attorney-at-Law,

Marlow, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of William Jones, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Mary E. O'Quin, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

SIGNED *Tams Bixby*.

Enclosures:
J. D. #19.

Chairman.

M.C.R. 7124.

COPY.

Muskogee, Indian Territory, April 25, 1903.

George T. Putty,
Attorney-at-Law,
Marlow, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Steven McGee, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws, of Mary E. O'Quin, et al., pending before the Commission to the Five Civilized Tribes. Attached to this Commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early determination as possible.

Respectfully,

SIGNED

Tams Dwyer

Chairman.

Enclosures:
J. D. #20.

COPY:

M.C.R. 7124

Muskogee, Indian Territory, March 8, 1904.

Mary E. O'Quin,

Marlow, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 5, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons embraced in the consolidated case of William C. Thompson et al., including you and your children James Walter, Dora E., Thomas M. and Ora May O'Quin.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, May 23, 1904.

Mary E. O'Quin,

Marlow, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of May 12, 1904, in which you ask if the Secretary of the Interior has taken any action on your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on April 13, 1904, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior, but up to the present time the Commission has not been advised of any Departmental action therein. When the decision of the Secretary of the Interior is made known to the Commission, you will be promptly notified thereof.

Respectfully,

T. B. Needles

SIGNED

Commissioner in Charge.

J.W.M.

COPY.

YMB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 19039-1904.
I.T.D. 4160-1904.

June 4, 1904.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a communication from the Acting Commissioner of Indian Affairs dated May 21, 1904, transmitting certain papers filed in the Indian Office by Martha A. Halloway and Mary E. O'Quinn, of Marlow, Indian Territory, relative to an application alleged to have been filed with you for permission to select as allotments for themselves and their families, in the Chickasaw Nation, certain lands upon which they held valuable and extensive improvements.

It appears that these applicants are parties to the consolidated Mississippi Choctaw case of William C. Thompson, et al, (M.C.R. 341). They also claim enrollment as Choctaws by blood.

The Acting Commissioner invites attention to an allegation made by these parties to the effect that they were

2.

required by your Commission to withdraw their application for enrollment as Choctaws by blood before they were permitted to make application for identification as Mississippi Choctaws. The premises considered, he recommended, in respect to this requirement, that the matter be brought to your attention, and that you be directed to advise the Department relative thereto.

It is not considered that a report relative to this feature of the matter is essential, inasmuch as the record in the case, which is now before the Department, and which will be considered as soon as practicable, evidences that the rights of the parties were adjudicated by you in reference to their claims both as Mississippi Choctaws and Choctaws by blood.

The Acting Commissioner further recommends that you be instructed not to permit any one to file applications for any of the lands claimed by these people until such time as their rights shall have been adjudicated, and that, if any applications have been filed for any of said lands, the applicants be allowed to institute contest proceedings, no action to be taken by the Commission concerning the contest until their citizenship shall have been passed upon.

In reference to this recommendation your attention is directed to departmental letter of even date relative to a like application made by William C. Thompson. In disposing of the

3.

application made by Martha A. Holloway and Mary E. O'Quinn, you will follow the rule prescribed in reference to Mr. Thompson.

A copy of the Acting Commissioner's letter is inclosed also the petitions of Mrs. O'Quinn and Mrs. Holloway.

respectfully,

SIGNED

Thos. Ryan
Acting Secretary.

3 inclosures.

(COPY.)

Land
32972-1904.
32973-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 21, 1904

The Honorable,

Secretary of the Interior.

Sir:

There is enclosed herewith a communication from Martha A. Halloway and one from Mary E. O'Quinn, applicants for identification as Mississippi Choctaws, in which they request that the Commission to the Five Civilized Tribes be instructed not to permit any citizen of the Choctaw Nation to select the lands claimed by them and the members of their families until such time as their rights to identification shall have been passed upon. These parties are applicants in the consolidated case of William C. Thompson et al., the record in which was transmitted to the Department April 30, 1904. In connection with this matter your attention is respectfully invited to office report of May 18,

2.

1904, transmitting a similar request from W. C. Thompson, principal applicant in the consolidated case above mentioned and it would seem that the request of these applicants should be granted.

Both of these parties say that they made their application for identification as Mississippi Choctaws without any intention on their part of foregoing any rights or privileges granted to them by law affecting their rights as Choctaws by blood but that they were required by the Commission to the Five Civilized Tribes to withdraw their applications for enrollment as Choctaws by blood before they were permitted to make application for identification as Mississippi Choctaws. It is recommended that this part of their respective communications be brought to the attention of the Commission and that the Commission be instructed to advise the Department relative thereto.

It is recommended that the Commission be instructed not to permit any one to file applications for any of the lands claimed by these people until such time as their rights shall have been adjudicated and that, if any applications have been filed for any of said lands, the applicants be allowed to institute contest proceedings, no action to be taken by the Commission concerning the contest until their citizenship shall have been passed upon.

Very respectfully,

A. C. Tamm,

F. C. S. 1150

Copy

Mustang, Indian Territory, June 22, 1904

Mary E. McGuire,
Marlow, Indian Territory.

Dear Madam:

You are hereby notified that if citizens of the Chickasaw or Chickasaw nation have filed upon lands upon which you have valuable improvements, which you desire to select in allotment for yourself and your children, application therefor will be received at the Chickasaw Land Office of the Commission within nine months from the date of the original application for the purpose of instituting contest proceedings, if it is so desired.

Respectfully,

SIGNED

Tame Bird

Chairman

COPY

Redwood, Indian Territory, September 27, 1904.

Mary E. Quinn,

Harlow, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask to be advised what disposition has been made of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that the record in your case, together with the Commission's decision refusing your application, was, on April 13, 1904, forwarded to the Secretary of the Interior, and up to the present time the Commission has not been advised of any departmental action taken thereon. When the Commission is advised of departmental action in your case, you will be promptly notified.

Respectfully,

SIGNED

James Birby

Chairman

COPY.

N C H 7134

Muskogee, Indian Territory, December 17, 1904.

J. E. Mullen,
Attorney at Law,
Armore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you ask to be informed the present status of the Mississippi Choctaw case of Mary E. O'Quinn, et al.

In reply you are informed that the record in this case, together with the decision of the Commission refusing the applicants, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs, on April 13, 1904. The Commission has not up to this date been advised of any departmental action in said case.

Respectfully,

SIGNED

Tamr Bixby

Chairman.



M.C.R. 7124

COPY.

Waskagee, Indian Territory, April 19, 1906.

Mary E. O'Quin,

Marlow, Indian Territory,

Dear Madam:

You are hereby advised that on April 5, 1906, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1906, refusing to identify you and your children, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Mrs May O'Quin, as Mississippi Cheetaws, and also held that you and said children were not entitled to enrollment as citizens of the Cheetaw Nation.

For your information, there is enclosed you herewith a copy of departmental letter of April 5, 1906.

Respectfully,

SIGNED

James Birby

Chairman.

Incl. M.C.R. 7124.

COPY

J.W.H.

DEPARTMENT OF THE INTERIOR,

FHE

50246-1905.

WASHINGTON

I.T.D. 13766-1905.

LRE

October 31, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On September 26, 1905, in compliance with Departmental letter of June 26, 1905, you rendered a report in the matter of the application of John T. Thompson for identification as a Mississippi Choctaw. With your report you inclosed a copy of the testimony in said case, and certain affidavits filed by Mr. Thompson, and stated that there is now apparently no reason why action should be further suspended upon his application, if the Department's finding of April 5, 1905, in reference to Mary E. O'Quinn and her children, should be adhered to. Accordingly, you recommend that you be authorized to proceed with the adjudication of the Thompson case in conformity with the views expressed in said letter of April 5, 1905.

In Departmental letter of April 24, 1905, you were directed, inasmuch as a motion for review of the Department's decision in the case of William C. Thompson was then pending before it, to protect the rights of the applicants in the case of Mary E. O'Quinn et al., to their improved holdings, until said motion for review respecting them should be passed upon.

(2)

As John T. Thompson is mentioned in the William G. Thompson record, and as his case is apparently analogous to that of Mary M. O'Quinn, action concerning his enrollment will be deferred until final action in the William G. Thompson case.

Respectfully,

(Signed) Theo Ryan,
First Assistant Secretary.

Through the
Commissioner of Indian Affairs.

COPY.

MCR 7124
7-5996

Muskogee, Indian Territory, April 11, 1906.

Mary E. O'Quinn,
Marlow, Indian Territory.

Dear Madam:

You are hereby advised that on April 4, 1906 (I.T.D. 4222-1906), the Secretary of the Interior, after a reconsideration by the Assistant Attorney General for the Department, of the Choctaw enrollment case of Wm. C. Thompson, et al., directed the enrollment of yourself and your children, James Walter, Dora E., Thomas M. and Ora May O'Quinn as citizens by blood of the Choctaw Nation.

The names of yourself and your children above mentioned will be included upon the next schedule of citizens by blood of the Choctaw Nation to be submitted to the Secretary of the Interior for his approval.

The Secretary of the Interior also held, in his decision of April 4, 1906, that your husband, Thomas J. O'Quinn, having been married to you in Texas in 1871 at a time when he had not been a citizen of the Indian Territory, and never having been married to you subsequent to his removal to the Indian Territory, is not entitled to enrollment as a citizen by intermarriage of the Choctaw Nation.

Respectfully,

SIGNED *Wm. C. Beall.*

Acting Commissioner

A. 377

N C 2 400, 301
000, 7100

COPY.

Muskogee, Indian Territory, April 10, 1905.

W. D. Head,
Attorney at Law,
Guthrie, Texas,

Dear Sir:

You are hereby advised that on April 8, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 8, 1904, refusing to identify Mattie Holloway, Ivy Helen-siefen, Jessie Holloway, Willie Holloway, Nellie Marie Holloway, Rufus G. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsay Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas E. O'Quin, and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tame Dixby

Chairman.

K. 217

N C R 433, 321
353, 7124

COPY.

Muskogee, Indian Territory, April 19, 1905.

H. R. Milligan,
Attorney at Law,
Centralia, Texas,

Dear Sir:

You are hereby advised that on April 5, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Helen-siefen, Jessie Holloway, Willie Holloway, Hallie Hazle Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsay Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Farns Bitty

Chairman.

R217

N C R 488, 582
583, 7184

COPY.

Muskogee, Indian Territory, April 19, 1905.

S. Beard,
Attorney at Law,
Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that on April 8, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Selensiefen, Jessie Holloway, Willie Holloway, Nellie Nangle Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas E. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tams Birby

Chairman.

8217

W C R 488, 581
583, 1724

COPY.

Marlow, Indian Territory, April 19, 1905.

William A. Procter,
Attorney at Law,
Marlow, Indian Territory,

Dear Sir:

You are hereby advised that on April 8, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Bolensiefen, Jessie Holloway, Willie Holloway, Nellie Maule Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsay Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,
SIGNED

Tamr Bix

Chairman.

857
COPY.

W O R 443, 1905
443, 1905

Waskage, Indian Territory, April 19, 1905.

H. O. Kenley,

Attorney at Law,

Greveton, Texas,

Dear Sir:

You are hereby advised that on April 5, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Holan-siefen, Jessie Holloway, Willie Holloway, Hallie Hagle Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin, and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tama Bixby

Chairman.

R 37

M C R 408, BMT
S23, Y124

COPY.

Muskogee, Indian Territory, April 19, 1905.

Jesse Hill,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on April 5, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Solapstiefen, Jessie Holloway, Willie Holloway, Hallie Hazle Holloway, Rufus O. Thompson, Martha Louisianna Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Alsey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas H. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tamie Dixon,
Chairman.

R 27
H. C. R. 455, 501
893, 7134

COPY.

Wastoge, Indian Territory, April 19, 1905.

George T. Putty,
Attorney at Law,
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on April 2, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Holmsieffen, Jessie Holloway, Willie Holloway, Hallie Hauls Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin, and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tame Bixby

Chairman.

R 217

H.O.R. 452, 531
533, 7124

COPY.

Muskogee, Indian Territory, April 19, 1904.

H. Hamilton,

Attorney at Law,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on April 5, 1904, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Helen-siefen, Jessie Holloway, Willie Holloway, Hallie Eagle Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsay Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

James Birba

Chairman.

A217

M.C.R. 488, 581
583, 7134

COPY.

Muskogee, Indian Territory, April 19, 1905.

O. V. Humphreys,
Attorney at Law,
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on April 5, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Dolensiefen, Jessie Holloway, Willie Holloway, Mallie Hagle Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Alice Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas H. O'Quin and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tams Bixby

Chairman.

A 417
M.C.R. 483, 881
883, 9124

COPY.

Muskogee, Indian Territory, April 19, 1906.

John R. Thomas,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on April 5, 1906, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Hollisiefen, Jessie Holloway, Willie Holloway, Hallie Haskie Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailesey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin, and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,

SIGNED

Tame Birby

Chairman.

X 27

M.C.N. 486, 832
883, 7124

COPY.

Muskogee, Indian Territory, April 19, 1906.

W. H. Harrison,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on April 8, 1906, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Holmsten, Jessie Holloway, Willie Holloway, Nellie Maule Holloway, Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones, Susan Jones, Jettie May Jones, Ailsey Jones, Florence Jones, Mary E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin, and Ora May O'Quin as Mississippi Choctaws, and also held that all of said persons were not entitled to enrollment as citizens of the Choctaw Nation.

Respectfully,
SIGNED

Jane Bixby

Chairman.

R27

M.O.R. 458, 581
SUS, 7124

COPY.

Muskogee, Indian Territory, April 19, 1905.

Wansfield, Mc Murray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on April 5, 1905, the Secretary of the Interior affirmed the decision of this Commission of March 5, 1904, refusing to identify Mattie Holloway, Ivy Helen-
closen, Jessie Holloway, Willie Holloway, Hallie Hasle Holloway,
Rufus O. Thompson, Martha Louisiana Thompson, William Starr Jones,
Susan Jones, Jettie Way Jones, Ailsay Jones, Florence Jones, Mary
E. O'Quin, James Walter O'Quin, Dora E. O'Quin, Thomas M. O'Quin,
and Ora May O'Quin as Mississippi Choctaws, and also held that all
of said persons were not entitled to enrollment as citizens of the
Choctaw Nation.

For your information there are enclosed you herewith
copies of departmental letters of April 5, 1905.

Respectfully,

SIGNED

Tams Bixby

Chairman.

Enc. M.M.C.-19-1

C O P Y

D.C.1162-1907.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D. 15293-1905
15373- "

January 2, 1907.

L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

There are referred herewith for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNees and Jesse Holloway, relative to their right to enrollment as intermarried citizens of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William C. Thompson, et al. 341.

You are advised that William G. McNees is the alleged husband of Mary M. McNees, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15998 upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906.

It is stated on page 67 of the record in the consolidated case of William C. Thompson, et al., 341, that the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page 206 thereof appears the case of William G.

McNees vs. the Choctaw Nation, filed September 4, 1896.

Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case;" and on page 70 of same record the concluding part of the petition of Mary M. McNees, nee Thompson, for her enrollment as a citizen by blood of the Choctaw Nation concludes with these words: "WHEREBY, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Choctaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe . . . "

It does not appear from the decision of the Commission to the Five Civilized Tribes of March 5, 1904, that the rights of William G. McNees as an intermarried citizen of the Choctaw Nation was passed upon in said decision, nor does it appear from the decision of the Department of March 25, 1905 (I.T.D. 2202), in passing on the right to enrollment of Mary M. McNees and her minor child that the rights of her husband, William G. McNees, were considered.

You are requested to state whether the records of your office show that any application and adjudication thereon by you or the Commission to the Five Civilized Tribes has been made as to the right of William G. McNees as an intermarried citizen of the Choctaw Nation, and if so, you are requested to

forward the record in the case at once to the Department for further action thereon.

In connection therewith, your attention is invited to the petition of Jesse Holloway and an alleged correct copy of the proceedings of the revisory board of the Choctaw Nation in placing his name upon ~~the~~ roll as an intermarried citizen of said nation, on January 6, 1897. Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood, opposite No. 16006 thereon, approved by the Secretary of the Interior June 16, 1906, and his right to enrollment as an intermarried citizen of the Choctaw Nation does not appear to have been passed upon by you, the Commission to the Five Civilized Tribes, or the Secretary of the Interior in the disposition of the consolidated case of William C. Thompson et al.

If any action has been taken by you or the Commission upon the application of said Jesse Holloway and an adjudication made thereunder, you are requested to forward the record in his case to the Department for action thereon.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inclosures.

COPY.

Waskagee, Indian Territory, January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to acknowledge receipt of Departmental letter of January 2, 1907 (I.T.D. 15203, 15373-1905), received at this office on the ninth instant and referring for immediate report and action thereon, letters of inquiry dated December 10, 1906, from William G. McNeen and Jesse Holloway, relative to their right to enrollment as citizens by intermarriage of the Choctaw Nation, alleging that they were applicants for enrollment as such in the consolidated case of William C. Thompson, et al.

The Department states that William G. McNeen is the alleged husband of Mary M. McNeen, whose enrollment as a citizen by blood of the Choctaw Nation appears opposite No. 15998, upon the roll of Choctaw citizens by blood approved by the Secretary of the Interior June 16, 1906. Reference is also made to the record in the consolidated Choctaw case of William C. Thompson, et al., on Page 67 of which it is stated:

"That the record of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes in the year 1896 is examined, and on page

(2)

206 thereof appears the case of William G. McNeess vs. the Choctaw Nation, filed September 4, 1896. Answer filed, application denied December 1, 1896. The paper just identified by applicant as the original application made to this Commission in 1896 in this case."

The Department likewise invites attention to page 70 of the same record, being the concluding part of the petition of Mary W. McNeess, nee Thompson, for enrollment as a citizen by blood of the Choctaw Nation, which contains the following:

"Whereof, your petitioner prays an order enrolling herself, her husband, and said child upon the final rolls of the Choctaw tribe of Indians in Indian Territory, and that they be adjudged to be members of said tribe."

The Department finds that the decision of the Commission to the Five Civilized Tribes of March 5, 1904, did not pass upon the rights of William G. McNeess as an intermarried citizen of the Choctaw Nation, nor did the Department in its decision of March 25, 1905 (I.T.D. 2202-1905), in passing upon the right to enrollment of Mary W. McNeess and her minor child consider the rights of her husband, William G. McNeess.

I am therefore requested to state whether the records of this office show that any application and adjudication thereof had been made as to the right of William G. McNeess as an intermarried citizen of the Choctaw Nation, and if so, to forward the record in the case to the Department at once for further action thereon.

I have the honor to report in reference to the application of William G. McNeess for enrollment as a citizen by intermarriage of

the Choctaw Nation, that the same was not adjudicated by the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of William C. Thompson, et al., as no specific claim was made or right asserted to his identification by reason of his marriage to a Mississippi Choctaw. The records of this office show, however, that application was duly made for the enrollment of William C. McNeese as an intermarried citizen of the Choctaw Nation to the Commission to the Five Civilized Tribes in the year 1899, but that action looking to the disposition of such application was suspended pending the consideration and disposition by the Department of the Mississippi Choctaw case, of William C. Thompson, et al.

June 22, 1906, there was filed with this office by Chester Howe, attorney at law, Washington, D. C., a motion for the reconsideration and review of the application of William C. McNeese for enrollment as a Choctaw Indian by blood, the motion referred to being transmitted for the information of the Department.

August 31, 1906, William C. McNeese, Marlow, Indian Territory, Chester Howe, Washington, D. C., and the attorneys for the Choctaw and Chickasaw Nations, were notified that Mr. McNeese would be heard before the Commissioner at his office at Muskogee, Indian Territory, on Saturday, September 29, 1906, at 9 o'clock A. M., for the purpose of testifying relative to his right to enrollment as

(4)

a citizen by intermarriage of the Choctaw Nation. Upon the written request of McNeese this hearing was continued until October 15, 1906, notice of such continuance being furnished the applicant, his attorney, and the attorneys for the Choctaw and Chickasaw Nations.

October 15, 1906, William G. McNeese appeared before the Commissioner and testified in reference to his right to enrollment as an intermarried citizen of the Choctaw Nation. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

November 6, 1906, I rendered a decision refusing the application for the enrollment of William G. McNeese as a citizen by intermarriage of the Choctaw Nation, which decision with the record in the case, was, on November 8, 1906, transmitted the Department through the Commissioner of Indian Affairs.

The Department in its letter of January 2, 1907, also invites attention to the petition of Jesse Holloway, and an alleged copy of the proceedings of the Revisory Board of the Choctaw Nation in placing his name upon the roll as an intermarried citizen of said nation, on January 6, 1907. It is stated that Jesse Holloway claims to be the husband of Mattie Holloway, whose name appears upon the roll of Choctaw citizens by blood opposite No. 16006, approved by the Secretary of the Interior, June 16, 1906. The Department states his right to enrollment as an intermarried citizen of the Choctaw

(5)

Nation, does not appear to have been passed upon either by this office or the Department in the disposition of the consolidated case of William C. Thompson, et al.

In conclusion the Department desires to be advised if any action has been taken by this office upon the application of Jesse Holloway, and an adjudication made thereof, and if so, that the record be forwarded to the Department for action thereon.

In reporting upon the case of Jesse M. Holloway, I have to advise that the facts are practically identical with those in the William C. McNeese case; Holloway having applied to the Commission to the Five Civilized Tribes for enrollment as a citizen by intermarriage of the Choctaw Nation in the year 1898, but action was suspended upon the disposition of said application by reason of the fact that the Mississippi Choctaw case of William C. Thompson, was before the Department for consideration.

After the decision of the Department enrolling a number of the applicants by blood in the William C. Thompson case, this office took up for consideration the cases of the white persons claiming rights as intermarried citizens of the Choctaw Nation by reason of their marriages to the persons enrolled as citizens by blood of the Choctaw Nation.

November 28, 1906, Jesse M. Holloway, Marlow, Indian Territory, his attorney of record, Chester Howe, Washington, D. C., and

(6)

the attorneys for the Choctaw and Chickasaw Nations, were notified that the Commissioner would, at his office at Muskogee, Indian Territory, on Monday, December 17, 1906, at 9 o'clock A. M., hear such testimony as might be submitted in support of the application for the enrollment of Jesse M. Holloway, as a citizen by intermarriage of the Choctaw Nation.

December 17, 1906, Jesse M. Holloway personally appeared before this office and testified in reference to his right to enrollment as such intermarried citizen. At this hearing he was not represented by attorney, nor was any appearance entered on behalf of the Choctaw and Chickasaw Nations.

After the consideration of this case, I rendered a decision on January 10, 1907, refusing the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation; said decision, together with the record in the case, having, on the same date, been transmitted the Department through the Commissioner of Indian Affairs.

The letters enclosed with Departmental letter of January 2, 1907, are returned herewith.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

YEL 1 enc.

Through the Commissioner
of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
5066-1907.

WASHINGTON.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 12, 1907, transmitting the record relative to the application of James M. V. Ledy for enrollment as a citizen by intermarriage of the Choctaw Nation. On January 12, 1907, the Commissioner denied the application.

The record shows that the applicant claims right to enrollment as a citizen by intermarriage by virtue of his marriage, on March 3, 1906, to Minnie Lee Ledy, whose application for enrollment as a citizen of the Choctaw Nation by blood was granted by the Commissioner to the Five Civilized Tribes on January 10, 1907. The marriage was performed in accordance with the laws of the United States.

Even though Mary Lee Ledy is entitled to enrollment, the applicant is not, as a citizen by intermarriage, because the marriage was not performed in accordance with the laws, usages and customs of the Choctaw Nation, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

CAW-UH.

G.K.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

G.K.

D.C. 10512-1907.
I.T.D. 3542-1907.

February 19, 1907.

L. R. S.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 15, 1907 (Land 5033), your decision of January 12, 1907, denying the application of James E. W. Leddy, for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

A motion for reconsideration of said decision filed on behalf of applicant by Chester Howe, Esq., is hereby denied.

You will advise applicant and his attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a copy hereof. Copy of the Indian Office letter is enclosed.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 2 Inc.
to Ind. Of.

A. F. No.
2-20-07.

C.L.

DEPARTMENT OF THE INTERIOR,

D.C. 10518-1907.
I.T.D. 3562-1907.

WASHINGTON.

O.K.

February 19, 1907.

L. R. E.

Direct.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 15, 1907 (Land 5055), your decision of January 12, 1907, denying the application of James M. W. Leddy, for his enrollment as an intermarried citizen of the Choctaw Nation, is hereby affirmed.

A motion for reconsideration of said decision filed on behalf of applicant by Chester Howe, Esq., is hereby denied.

You will advise applicant and his attorneys of this action.

The record has this day been returned to the files of the Indian Office, together with a copy hereof. Copy of the Indian Office letter is enclosed.

Respectfully,

Thos Ryan,

First Assistant Secretary.

1 inc. and 2 Inc.
to Ind. Of.

A. F. Mc.
2-20-07.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Land.
5055-1907.

WASHINGTON.

February 15, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 12, 1907, transmitting the record relative to the application of James M. V. Leddy for enrollment as a citizen by intermarriage of the Choctaw Nation. On January 12, 1907, the Commissioner denied the application.

The record shows that the applicant claims right to enrollment as a citizen by intermarriage by virtue of his marriage, on March 3, 1905, to Minnie Lee Leddy, whose application for enrollment as a citizen of the Choctaw Nation by blood was granted by the Commissioner to the Five Civilized Tribes on January 10, 1907. The marriage was performed in accordance with the laws of the United States.

Even though Mary Lee Leddy is entitled to enrollment, the applicant is not, as a citizen by intermarriage, because the marriage was not performed in accordance with the laws, usages and customs of the Choctaw Nation, and the approval of the Commissioner's decision is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

GAU-SH.

D.C. 1897.
I.T.D. 4848-1897.
L.R.D.
Bureau.

G.D.
L.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

February 28, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In conformity with the opinion of the Attorney-General of the United States of February 19, 1907 (I.T.D. 4844), in the consolidated case of William G. Thompson et al., and in accordance with the recommendation of the Indian Office of February 21, 1907 (Land 3848), copy whereof is inclosed, your decision of January 10, 1907, denying the application of Jesse H. Holloway for his enrollment as an intermarried citizen of the Cherokee Nation, is hereby affirmed.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inc. and 2 to Ind. Of.

A. F. No.
3-107.

Land
3048-1907.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 23, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmits herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 10, 1907, enclosing record in the matter of the application for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation, including the decision of the Commissioner, dated January 10, 1907, denying the application.

It appears from the record that application was made to the Commission to the Five Civilized Tribes in 1899 for the enrollment of Jesse M. Holloway as a citizen by intermarriage of the Choctaw Nation.

The applicant bases his right to enrollment as a citizen by intermarriage by reason of his marriage to Mattie Belensiefen on June 8, 1893, under the United States law.

Mattie Belensiefen is a recognized and enrolled citizen by blood of the Choctaw Nation, and her name appears on the approved final roll of citizens by blood of that Nation, opposite No. 16006.

It does not appear from the record that the applicant has ever been admitted to Choctaw citizenship by any duly consti-

certificate, nor has he ever been married to Nettie Williams,
through whom he claims his intestate rights by virtue of a
license issued by the trial court of the Chester Station.

The Office is of the opinion that the position of the
Commissioner to the Five Civilized Tribes, denying his application
for enrollment as an intestate citizen of the Chester Station,
is correct, and it is recommended that it be affirmed.

Very respectfully,

G. F. Lawrence,

Acting Commissioner.

ENC-27.

D.O. 12303
I.T.D. 9022-1907.

J.P.
FEB.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.R.S.
BUREAU.

March 4, 1907.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of January 11, 1907, relative to the claimed rights in the Choctaw Nation of William G. McNeen and Jesse Holloway. Your letter was transmitted to the Department with Indian Office letter of March 2, 1907 (Land 4711-07), copy inclosed.

No action appears necessary upon your communication, as the Department has passed, or will pass, upon the claims of these parties upon the records which you inform the Department have been submitted. The papers have been sent to the Indian Office.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inc. and
3 for Ind. Of. with
copy hereof.

3-5-07.

Ind.
6711-1907

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

March 2, 1907.

The Honorable,

The Secretary of the Interior

Sir:

Referring to Departmental letter of January 2, 1907 (I.T.D. 18803-and 18373-1906), relative to letters of inquiry from William G. McKee and Jesse Holloway, alleged applicants for enrollment in the consolidated case of William G. Thompson, et al., I have the honor to transmit herewith a report from Commissioner Bixby relative to the inquiries contained in these letters.

The letters and alleged motion for reconsideration and review are enclosed herewith.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

ENC-22

CHOCTAW

R. 218

Gary E. Parr

FOR
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #1356.

R 219

James A Park

Record transferred to Chas
Card # 5159

R. 220

Fannie Palmer, et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. #409

Cloc R221 Jim Podier

R221

CHOCIAW.

DENIED

No.

R22

2-3-4-5 DISA...

Judgment written for 1.6.1901

[Signature]

(L... ..)

NO. 1.6.1905

[Signature]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Record in the matter of the application for the enrollment as citizens of the Choctaw Nation of----

ALBERT PABIER, ET AL., --- 7-P-221.

Commission to the Five Civilized Tribes,
Atoka, Indian Territory.

In the application of Jim Padier for the enrollment of his children and those of his brother John Padier as Choctaws; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Jim Padier.

Q How old are you? A I don't know. (He is about forty.)

Q You were admitted by the United States court at Ardmore?

A Yes sir.

Q When? A I don't know the date, I think it was the 23rd of December, 1898.

Q You had children left out of that judgment? A Yes sir.

Q What is the name of the oldest? A George, 15 years old; Olsey, 12 years old; Julia, 8 years old, Jennetta, 7 years old; Eva, I enrolled her; she was born since our claim was put in.

Q What is the date of her birth? A January 15th, 1898 I think

Q Next one? A I have ~~one~~ ~~one~~ one born since the judgment.

Com'r McKennon: The enrollment of the others is refused.

Applicant also applies for the enrollment of the following children of his brother John Padier, as Choctaws, the enrollment of all of whom ~~are~~ refused by the commission:

Albert Padier, 15 years old; Wiley Padier, 13 years old; Leonard Padier, 11 years old; Willard Padier, 9 years old; Emma Padier, 7 years old; Della Padier, 5 years old and Matthew Padier, three years old.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, on my official oath as stenographer to the named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Jones

7-R-221

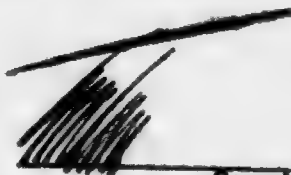
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment
of Albert Padier et al., as citizens of the Choctaw Nation.

-oOo-

The applicants, Albert Padier, Wiley Padier, Leonard Padier, Willard Padier, Emma Padier, Della Padier and Matthew Padier, claim their right to enrollment as citizens of the Choctaw Nation, through their father, John Padier.

The right of the applicants' father, John Padier (as John Paddico) having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of June 29, 1904, in case No. 31 upon the Tishomingo Docket of said Court, it is hereby ordered that the application made for the enrollment of Albert Padier, Wiley Padier, Leonard Padier, Willard Padier, Emma Padier, Della Padier and Matthew Padier, as citizens of the Choctaw Nation, be, and the same is, hereby dismissed.



Commissioner.

Muskogee, Indian Territory,

NOV 16 1905

7-R-221

Muskogee, Indian Territory, November 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1906, dismissing the application for the enrollment of Albert Padier, Wiley Padier, Leonard Padier, Willard Padier, Emma Padier, Della Padier and Matthew Padier as citizens of the Choctaw Nation.

Respectfully,

Incl. 7-R-221.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for enrollment as citizens of the Choctaw Nation of-

GEORGE PADIER, ET AL., - - 7-R-221.

-oOo-

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Jim Padier for the enrollment of his children and those of his brother John Padier as Choctaws; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Jim Padier.

Q How old are you? A I don't know. (He is about forty.)

Q You were admitted by the United States court at Ardmore?

A Yes sir.

Q When? A I don't know the date, I think it was the 23rd of December, 1898.

Q You had children left out of that judgment? A Yes sir.

Q What is the name of the oldest? A George, 15 years old; Olsey, 12 years old; Julia, 8 years old; Jennetta, 7 years old; Eva, I enrolled her; she was born since our claim was put in.

Q What is the date of her birth? A January 18th, 1898 I think

Q Next one? A I have only 1/4 one born since the judgment.

Com'r McKennon: The enrollment of the others is refused.

Applicant also applies for the enrollment of the following children of his brother John Padier, as Choctaws, the enrollment of all of whom has refused by the commission:

Albert Padier, 16 years old; Wiley Padier, 13 years old; Leonard Padier, 11 years old; Willard Padier, 9 years old; Emma Padier, 7 years old; Della Padier, 5 years old and Matthew Padier, three years old.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to what is named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

MD Green

7-R-221.
O.L.J.

See

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of George Padier, et al., for enrollment as citizens of the Choctaw Nation.

-----C-----

The applicants, George Padier, Olsey Padier, Julia Padier, and Jennetta Padier, claim their right to enrollment as citizens of the Choctaw Nation, through their father, Jim Padier.

The rights of the applicants' father, Jim Padier (as James Paddieo) to citizenship in the Choctaw Nation having been adversely determined by a decree of the Choctaw and Chickasaw Citizenship Court of June 29, 1904, in case No. 31 upon the Tishomingo Docket of said court, it is hereby ordered that the application for the enrollment of George Padier, Olsey Padier, Julia Padier and Jennetta Padier, as citizens of the Choctaw Nation, be dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory,

DEC 7 1904

COPY.

Y-R-221

Muskogee, Indian Territory, December 7, 1904.

Jim Padier,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 1, 1904, dismissing the application for the enrollment of your minor children George Padier, Olney Padier, Julia Padier and Jennetta Padier as citizens of the Choctaw Nation.

Respectfully,

RECEIVED

James Bixby

Chairman,

Registered,

Incl. Y-R-221.

7-R-221

COPY.

Muskogee, Indian Territory, December 7, 1904.

Manfield, McMurray and Gernish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Inclosed herewith you will find a copy of the order of
this Commission, dated December 7, 1904, dismissing the applica-
tion for the enrollment of George Padier, Olney Padier, Julia
Padier and Jeannette Padier as citizens of the Choctaw Nation.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Incl. 7-R-221.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

18-221
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NOTE IN CASE OF THE FOLLOWING

7-R-221

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1905

Albert Padier,

Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, dismissing the application for the enrollment of Albert Padier, Wiley Padier, Leonard Padier, Willard Padier, Emma Padier, Della Padier and Matthew Padier as citizens of the Choctaw Nation.

Respectfully,


Commissioner.

Registered.

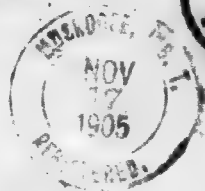
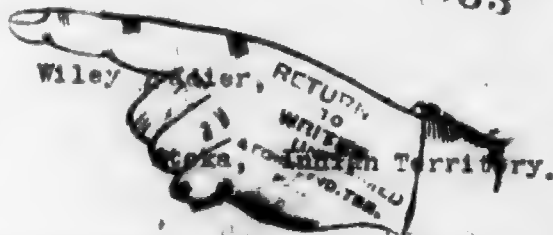
Incl. 7-R-221.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

7-R-221
Unknown 8/2

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COPIES TO BE MADE TO THE FOLLOWING:

7-R-221

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 16, 1905.

Wiley Padier,

Atoka, Indian Territory,

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commissioner to the Five Civilized Tribes, dated November 16, 1905, dismissing the application for the enrollment of Albert Padier, Wiley Padier, Leonard Padier, Willard Padier, Emma Padier, Della Padier and Matthew Padier, as citizens of the Choctaw Nation.

Respectfully,



Commissioner.

Registered.

Incl. 7-R-221.

COMMISSIONERS:
TAMM BENTLEY,
THOMAS B. HENKELS,
C. R. BRACKENRIDGE.

WM. C. BRALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN WRITING TO THE FOLLOWING:

7-R-221

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 7, 1904.

Jim Padier,

Atoka, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the order of the Commission to the Five Civilized Tribes, dated December 7, 1904, dismissing the application for the enrollment of your minor children George Padier, Olsey Padier, Julia Padier and Jennetta Padier as citizens of the Choctaw Nation.

Respectfully,



Chairman.

Registered.

Incl. 7-R-221.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Reg 85/75

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3038

RETURN TO
JIM PAPER
Muskogee, Ind. Ter.

REGISTRY DIVISION
DEC 10 1904
MUSKOGEE, IND. TER.

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY.
THOMAS B. NEEDLES
C. R. BRACKINRIDGE.

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MAKER IN REPLY TO THE FOLLOWING

Chectaw No. R-221.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

In the matter of the application of)
Jim Padier, for the enrollment of)
his five minor children, George)
Olsey, Julia, Jennetta and Albert)
Padier, as citizens by blood of the)
Chectaw Nation, and in the matter)
of the application of John Padier)
for the enrollment of his six minor)
children, Wiley, Leonard, Willard)
Emma, Della and Matthew Padier, as)
citizens by blood of the Chectaw)
Nation.)

To John Padier,

Atoka, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that your children are entitled to be identified as Mississippi Chectaws under the act of Congress of June 23, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Chectaw Indians claiming rights in the Chectaw lands under article fourteen of the treaty between the United States and the Chectaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths,

J. P., 2.

examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that your children are the descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and that the ancestors of your children such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Choc R222 Mary L. Patterson

R222

Commission to the Five Civilized Tribes,

Deerast, Indian Territory.

In the application of Mary L. Patterson for enrollment as a
Ghostaw; being sworn and examined by Com'r McKennon she testified:

- Q What is your name? A Mary L. Patterson.
Q How old are you? A Twenty-seven.
Q Are you on the ghostaw rolls? A No sir.
Q Have you ever been? A No sir.
Q Your father and mother ever been? A No sir.
Q You were born and raised in Texas? A Yes sir.
Q When did you come to the Territory? A In October 1896.

Com'r McKennon: Your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as
stenographer to above named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. J. Deane

7-2-222

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----202-----

In the matter of the application of Mary L. Patterson for the enrollment of herself as a citizen of the Cheatar Nation.

D E C I S I O N.

The record in this case shows that the applicant, Mary L. Patterson, appeared before the Commission at Durant, Indian Territory, at its session beginning August 14, 1899, and ending August 18, 1899, and then and there made personal application for the enrollment of herself as a citizen of the Cheatar Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Cheatar Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Cheatar Nation, nor does her name appear upon any of the tribal rolls of the Cheatar Nation in the possession of the Commission, nor does it appear that she has ever been admitted to Cheatar citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Cheatar Nation by the Commission to the Five Civilized Tribes, nor

-2-

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It appears from the evidence that the applicant had not, prior to June 23, 1898, removed to and in good faith settled within Indian Territory.

The act of Congress of June 23, 1898, (30 Stats., 496) provides:

"No persons shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship....."

It does not appear that the applicant has ever been married to a recognized and enrolled citizen of the Choctaw Nation.

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 23, 1898, (30 Stats., 496) as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

the applicant was, on the 18th day of February, 1902, notified by registered mail that she would be allowed thirty days from that date in which to set forth that she claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 23, 1898, (30 Stats., 496) provides:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Choctaws), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 821) provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of the Commission that Mary L. Patterson is not lawfully entitled to be enrolled as a member of the Choctaw tribe of Indians in Indian Territory, and that her application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


J. P. Jones
Chairman


T. R. Anderson
Secretary

Muskogee, Indian Territory.

MAY -9 1902

CONFIDENTIAL

Washington, Indian Territory, May 9, 1904.

Hanfield, McHenry & Gervish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Mary L. Patterson as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case in this matter, is transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

W. B. Neale.

I enclose.
Respectfully,
W. B. Neale.

Commissioner in Charge.

There is hereby transmitted the report of proceedings in the matter of the application made by Mary E. Patterson for the assignment of her estate as a witness of the estate of her husband, and the decision of the Commission dated May 6, 1906, regarding the application for the assignment of Mary E. Patterson as a witness of her estate.

Respectfully,

T. E. Nelles.

Commissioner of the General Land Office.

C O P Y.

Refer in reply to
the following:
Land
29240-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for the consideration of the Department memorandum of the Commission to the Five Civilized Tribes, in the matter of the application of Mary L. Patterson for enrollment as a citizen of the Choctaw Nation. The application was rejected by the Commission.

From the record it appears that this applicant does not make any claim as a Mississippi Choctaw; that her name does not appear upon any of the Choctaw rolls; that she has never been enrolled by the tribal authorities or admitted to citizenship by the Commission or by decree of the United States Court.

By its decision, the Commission holds that it had no authority to enroll the said applicant under the existing law.

It is the opinion of this office that the decision of the Commission was correct, and I therefore respectfully recommend that the decision of the Commission be approved.

Very respectfully,
Yours obedient servant,

A C TONNER,

Acting Commissioner.

(E.S.S.)
P.

COPY

D. C. No. 10009-1902.

34093

P.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

I.T.D. 3363-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 9, 1902, you transmitted the application of Mary L. Patterson for enrollment as a citizen of the Choctaw Nation, which you rejected because she has never been enrolled, admitted or recognized as a Choctaw citizen. A copy of the Acting Commissioner of Indian Affairs' letter of May 27, recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan

Acting Secretary.

KMD

1 inclosure.

COPY.

Chas. J. 1902

Mustoge, Indian Territory June 22, 1902.

Mary L. Patterson,

Durant, Indian Territory.

Dear Madam:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Cheyenne Nation.

Yours truly,

T. B. Needles.

(SIGNED).

Commissioner in Charge.

COPY.

Chas. R. 222

Muskogee, Indian Territory June 23, 1902.

Messrs. Mansfield, McKurray & Gornick,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 9, 1902, refusing the application made by Mary L. Patterson for the enrollment of herself as a citizen of the Choctaw Nation.

Yours truly,

(SIGNED)

T. B. Needles

Commissioner in Charge.

Department of the Interior

Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS

Penalty for private use, \$300.



2194

D. Patterson,
Muskogee

Indian Territory.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AVLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES Choctaw No. R-222.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of)
Mary L. Patterson for the enrollment)
of herself as a citizen by blood of)
the Choctaw Nation.)

To Mary L. Patterson,

Durant, Indian Territory.

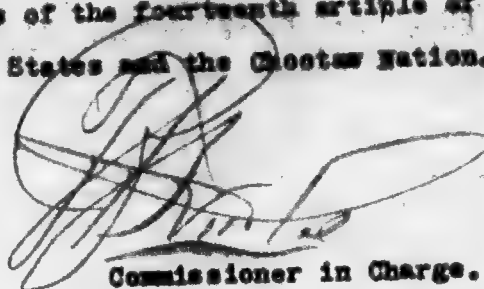
You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw, under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

M. L. P., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary L. Patterson,

~~Deputy, Indian Territory.~~



7416

COMMISSIONERS
HENRY L. DAWES.
TAMM SIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

7-2-222

Muskogee, Indian Territory, May 9, 1902.

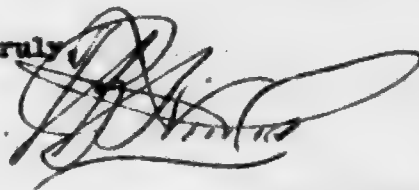
Mary L. Patterson,
Durant, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 inclosure
Choctaw R 222
Registered

CHOCTAW

In the matter of the application of
Mary L. Patterson for enrollment as
a citizen of the Choctaw Nation.

REFUSED, MAY -9 1902

COPIES OF DECISION FORWARDED
APPLICANT MAY -9 1902

COPIES OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKSAW NATIONS MAY -9 1902

RECORD FORWARDED DEPARTMENT MAY -9 1902

ACTION APPROVED BY SECRETARY OF INTERIOR JUN -9 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS. JUN 23 1902

CHOCATAW.

R. 223

Amelia Patterson

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 53

R. 224

John R. Penry

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. #65

Choc R225 William E. Percival

R225

1860
7-R-225.

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of William E. Percival for enrollment as a citizen by intermarriage of the Choctaw Nation and for the enrollment of Narcissa Ella Percival, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival, as citizens by blood of the Choctaw Nation.

-- : D E C I S I O N : --

It appears from the records of the Commission that during the month of September, 1896, William E. Percival appeared before this Commission at South McAlester, Indian Territory, and made application for the enrollment of himself as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of his wife, Narcissa Ella Percival, and his five minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens by blood of the Choctaw Nation.

It does not appear from the evidence submitted in support of said application, nor from the records in the possession of the Commission, that any of the applicants herein has ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321), nor do their names appear upon any of the tribal rolls of the Choctaw Nation, with the exception of the 1896 Choctaw Census Roll, which enrollment is hereinafter conclusively shown to have been without authority of law.

It appears from the records of the Commission that on September 9, 1896, in the case entitled "Sarah Jane Thompson and Martha Ann Thompson vs. Choctaw Nation," (1896 Choctaw Citizenship Docket, case number 1394), an application was made to the Commission to the Five Civilized Tribes under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321), for admission to citizenship by blood in the Choctaw Nation, of Narcissa Ella Percival (as Narcissa Ella Thompson, now Percival), Jesse Percival (as Jesse Percival), Taylor Percival, Forrest Percival, Rebecca Percival and Katie Percival, and on December 8, 1896, this Commission rendered its decision therein denying said application, from which decision no appeal was taken.

It appears from the record herein that on January

1897, Narcissa Ella Percival (as Narcissus E. Percivill), Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forest Percivill), Katie Percival (as Katie Percivill) and Rebecca Percival (as Rebecca Percivill) made application to the so-called board of Commissioners appointed under an act of the Choctaw Council, approved October 30, 1896, and were, by said Board, admitted as citizens by blood of the Choctaw Nation and their names ordered placed upon the Choctaw Census Roll of 1896, being numbers 10554, 10555, 10556, 10557, 10558 and 10559 respectively. Such application was made subsequent to the rendition by this Commission of its decision of December 8, 1896, wherein the right of said applicants had been fully adjudicated and had become a matter res adjudicata; and having thus been judicially determined, the so-called board of Commissioners of the Choctaw Nation had no authority to again pass upon said application. Furthermore, said board had no legal existence, having been created subsequent to September 10, 1896, the time when the jurisdiction of the Choctaw Nation to admit and enroll persons as citizens of that tribe had expired, as provided in the act of June 10, 1896 (29 Stat., 321).

Section twenty-one of the act of Congress approved June 28, 1898 (30 Stat. 495), entitled "An act for the protection of the people of Indian Territory, and other purposes," commonly known as the "Curtis Act," provides:--

"Said Commission is authorized and directed to make correct rolls of citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribe."

For the purpose of protecting any rights the applicants herein might have as Mississippi Choctaws under the following provision of the act of Congress approved June 28, 1898 (30 Stat. 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior"

the applicants herein, who claim rights to enrollment as citizens by blood of the Choctaw Nation, were, on February 18, 1902, notified by registered mail that they would be allowed thirty days from that date within which to set forth that they claimed their right to identification as Mississippi Choctaws. A copy of said notice is attached hereto and made a part of the record in this case. On March 31, 1902, said notice was returned to this Commission unclaimed.

It is the opinion of this Commission that the names of the applicants, Narcissa Ella Percival (as Narcissus E. Percivill)

Jesse Percival (as Jesse Percivill), Taylor Percival (as Taylor Percivill), Forrest Percival (as Forrest Percivill), Katie Percival (as Katie Percivill) and Rebecca Percival (as Rebecca Percivill), were placed upon the 1896 Choctaw Census Roll without authority of law, and should be eliminated and stricken therefrom.

It is further the opinion of this Commission that the application for the enrollment of William R. Percival, as a citizen by intermarriage of the Choctaw Nation, and for the enrollment of Narcissa Ella Percival, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens by blood of the Choctaw Nation, should be denied in accordance with the provisions of the act of Congress approved June 28, 1896 (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Lewis Bixby

Chairman.

T. B. Needles

Counselor.

(SIGNED)

C. R. Breckinridge

Counselor.

Muskogee, Indian Territory,

JAN 27 1905

Commission to the five civilized tribes,

Southwestern, Ind. Ter.

In the application of William S. Perovich and family for enrollment as citizens being heard and argued by court and jury he testified as follows:

Q What is your name? A William S. Perovich.

Q How old are you? A Forty-five.

I thought there was an application to the Bureau of Indian Affairs through our family, but I never heard anything from them.

Q What is your wife's name? A Margaret Ella Perovich, thirty-three years old.

Q What is the name of your eldest child? A Leah Perovich, fourteen years old.

Q Next one? A Taylor Perovich, ten years old.

Forrest Perovich, eight years old; Katie Perovich, six years old;

Rebecca Perovich, three years old.

Q That's all? A Yes sir, that's all I have.

Q Were your wife and children ever admitted by the Bureau of Indian Affairs any act of council? A Not unless it was from these lands here.

Q Was there ever any act of council admitting you here?

A I couldn't tell you.

Q You don't know anything about the situation of your family at all to you; were they ever enrolled before 1866? A No sir.

Q How long have they lived in the Choctaw and Chickasaw country?

A I arrived up here in the Choctaw country in 1864.

Q Have you lived here ever since? A Yes sir, ever since we came here, we've lived here ever since.

Q How long have you lived here?

A Since we came here.

Q How long have you lived here?

William S. Fernald, et al.

of counsel, and have been so called until 1890 when a new
council dated October 1890, took possession of the
Authority of law, and will be referred to for all the acts of coun-
cil under which these laws were carried, and they are now used
in the case of counsel; the Fernald is the same as the
Fernald, Thompson.

Department of the Interior

Division of the Interior
Bureau of Land Management
Washington, D. C.
February 1, 1891
My dear Sir:

(COPY)

Muskogee, Indian Territory, January 21, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for the enrollment of William E. Percival, as a citizen by intermarriage, and of Narcissa Ella Percival, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens by blood, of the Choctaw Nation, including the decision of the Commission, dated January 21, 1905, denying said application.

Respectfully,

(Signed) Tams Bixby,

Chairman.

2 Incl. 74R225

Through the
Commissioner of Indian Affairs.

United States of America,
Indian Territory,
Central District.

On this day Personally Appeared Before ME, The Undersigned Notary Public, In and for the Central District, Of Indian Territory, A. E. Folsom, a Choctaw Indian by Blood, of Caddo, Indian Territory, Who being first duly sworn by Me says, That he was a member of the Choctaw Census Commission in 1896, duly Appointed by Jeff Gardner, Principal Chief of the Choctaw Nation, and he acted as Secretary of such Commission and that on or About the 12th day of October, 1896, At Kiowa, Indian Territory, W. E. Perival, F. M. Harton, C. B. Darken, John D. Thompson, James Lawley, Nannie Vaughan, Narcissie S. Thompson and their families presented their Applications for citizenship in the Choctaw Nation Through Davis A. Homer, a Choctaw Indian and Attorney at Law, And that the above named parties together with their Families were duly enrolled on the Atoka County Roll In the Choctaw Nation and enrolled as such on the Atoka County Roll of the Choctaw Nation on the testimony of Mrs. Elsie Perkins, Mrs. Levina Franklin and Henry Perkins All now deceased. They being Choctaw Indians by blood duly enrolled as such. That the above named applicants were duly enrolled on the Atoka County Roll of the Choctaw Nation on or about the 12th day of October 1896.

(Signed) A. E. Folsom, Sec.

Subscribed and Sworn to before me this 8th. day of May, A. D. 1905.

(Seal)

(Signed) C. H. Hiting, Notary Public.

My Commission Expires Dec. 2nd. 1905.

Chester Howe
Attorney at Law
Washington Loan & Trust Bldg.
Washington, D.C. September 13, 1906.

To the Honorable
Secretary of the Interior
Washington, D.C.

Sir:

I have the honor to direct your attention to the fact that in November 1905 application was made for allotment for Jimmie Crow and Della Carder for herself and for her child Fred Carder upon the following lands in township 6S, range 6E, in the Choctaw-Chickasaw countries, the same being the w/2 of nw/4 of sec 9; the ne/4 of sw/4 of sec 9; the nw/4 of se/4 of sec 9; the nw/4 of sw/4 of se/4 of sec 9 and the e/2 of the ne/4 of sec 8; the sw/4 of ne/4 of sec 8; the n/2 of the n/2 of the se/4 of sec 8; the se/4 of the nw/4 of the se/4 of sec 8 and the sw/4 of the ne/4 of the se/4 of sec 8.

These applicants are situated in the identical condition or will come under the decision in the cases of Cyrus Kingsbury and Myrtle Randolph and Thompson, which have been referred to the Honorable Attorney General for decision.

Under the rules of practice contest must be filed within nine months from the date of allotment, and under the Act of Congress of April 26, 1906, within six months from the passage of that Act.

August 4, 1906, following your decision of April 24, 1906, in the case of Mary Elizabeth Martin, these parties were denied the right of allotment, and as the matter now stands they are not qualified to file contest, which requires, as a preliminary to their consideration, the allegation that the parties are citizens of the Choctaw or Chickasaw nations, and are entitled to allotment of the lands sought to be contested.

Under the reference made to the Honorable Attorney General it is our information that all proceedings with relation to applications for citizenship and contests involving land claimed by persons similarly situated are suspended.

In view of the fact that the legal time in which contests can be filed may expire before the decision is rendered in the contest cases hereinbefore referred to, I have the honor to request that a special order be issued directed to the Honorable Commissioner to the Five Civilized Tribes, under which he shall be authorized to receive contest on behalf of these applicants, and to suspend action thereon pending a final determination of their rights and that notice of such action may issue to the attorney of record before the Commissioner to the Five Civilized Tribes, who is Mr. Charles Von Weiss, Ardmore, I.T. I respectfully ask that notice of action in this matter may also be served upon me.

The only purpose of this order is to preserve rights pending a final adjudication of the question of law involved.

I have the honor to be, respectfully,
Chester Howe.

COPY

Mustang, Indian Territory, January 31, 1901.

T. W. Walker,

Chickasha, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 11th instant in which you desire to be informed if the names of William C. Thompson, Wilberne Brummett and Taylor Farnival all of Harlow, Indian Territory appear upon the rolls of the citizens of the Choctaw or Chickasaw Tribes of Indians, or if any of these parties have made application for enrollment and what action has been taken by the Commission on said applications.

You also request that the Commission furnish you with a certificate of its action on any of these applications.

Replying to your letter you are informed that the records of this Commission show that at South Canadian, Indian Territory on September, 1899, William C. Thompson, 60 years of age appeared before the Commission and made application for the enrollment of himself, Sarah L., Arthur M. and William C. Thompson, Jr., William H., Harold G. and Mary M. McKeese, Perry T. and Sarah T. Stubblefield and William R. Thompson, as citizens of the Choctaw Nation and the Commission after hearing the oral evidence of Mr. Thompson and an examination of the records in its possession refused the application of these parties for enrollment as citizens of the Choctaw Nation.

It further appears that at Colbert, Indian Territory, on June 15th, 1900, William C. Thompson, 61 years of age, of Harlow,

Indian Territory, appeared before the Commission and made application for himself, his wife, Sarah E. Thompson, his grand niece Sarah T. Sticklefield and nephews, William R. Thompson, for identification as Mississippi Choctaws.

Up to this time the Commission has rendered no decision relative to the rights of these applicants as Mississippi Choctaws but when such decision is rendered, a copy of the same will be mailed to Mr. Thompson stating fully therein the reason for any action that may be taken as to his application.

As to Wilborne Brummett, the records of this Commission do not show that any such person has ever applied for enrollment. But it does appear that on October 17th, 1898, William Brummett, 29 years of age, of Suggen, Indian Territory, appeared before the Commission and made application for the enrollment of himself, his wife Lissie Brummett and his son, Thurston Brummett as citizens of the Choctaw Nation and were at that time listed for enrollment in pursuance of a judgment of the United States Court for the Southern District of the Indian Territory rendered at Muskogee, Indian Territory, December 21st, 1897, in court case No. 32. On May 24th, 1900, the Commission also listed for enrollment Stannis Brummett, five months old and the child of William and Lissie Brummett upon presentation of proper affidavits as to its birth.

As to Taylor Percival, the records of the Commission show that at South Walloway, Indian Territory, in September, 1899, William B. Percival, 43 years of age, appeared before the Commission and made application for the enrollment of himself, his wife Harriett Ellis Percival and his children, James Taylor, Forrest, Ernie and Rebecca Percival as citizens of the Choctaw Nation. The Com-

THE
UNITED STATES
DEPARTMENT OF
THE ARMY
WASHINGTON, D. C.
OFFICE OF THE
CHIEF OF STAFF
HEADQUARTERS
WASHINGTON, D. C.

MEMORANDUM

SIGNED BY: [Signature]

DATE: [Date]

1. [Text]
2. [Text]
3. [Text]
4. [Text]

COMMISSIONERS
HENRY L. DAVIS
TAMM BERRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHOCTAW R 225

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 31, 1903.

William E. Percival,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs Mansfield, McMurray & Cornish, has protested against the enrollment of your wife Narcissa Ella Percival and your children, Jesse, Taylor, Forrest, Katie and Rebecca Percival as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1896 Choctaw Census roll by the so-called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1896 Choctaw Census roll without authority of law, at which time opportunity will be given your wife to introduce any additional testimony or written briefs which she may have to offer in support of this application.

Respectfully,



Acting Chairman.

Registered.

Enclosure 2 225

COPY.

Muskogee, Indian Territory, January 31, 1903.

William E. Percival,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that the Choctaw Nation, through its attorneys, Messrs. Mansfield, McMurray & Cornish, has protested against the enrollment of your wife Narcissa Ella Percival and your children, Jesse, Taylor, Forrest, Katie and Rebecca Percival as citizens of the Choctaw Nation, on the grounds that their names were placed upon the 1898 Choctaw Census roll by the so-called "Revisory Board" of said Nation after its power to enroll citizens had ceased, and that their said enrollment was without authority of law.

The Commission will on February tenth, 1903, at its office in Muskogee, Indian Territory, take up for final consideration this contention of the Choctaw Nation relative to the enrollment of certain persons upon the 1898 Choctaw Census roll without authority of law, at which time opportunity will be given your wife to introduce any additional testimony or written briefs which she may have to offer in support of this application.

Respectfully,

SIGNED: *John B. Dicks*

Acting Chairman

Chectaw R 225

COPY.

Muskogee, Indian Territory, February 12, 1903.

W. E. Percival,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 8, asking the status of the application for the enrollment of yourself and your family as citizens by blood of the Choctaw Nation, and stating that your wife, H. E. Percival, is dead.

In reply to your letter you are advised that it appears from our records that application has been made for the enrollment of yourself, your wife, Narcissa Ella Percival, and your children, Jesse, Taylor, Forrest, Mattie and Rebecca Percival, as citizens of the Choctaw Nation. No decision nor opinion has yet been rendered relative to your right to such enrollment. As soon as a decision is reached in your case you will be notified of the action of the Commission.

Respectfully,

SIGNED *Tame Dixby*

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 3, 1903.

W. E. Percival,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, in which you ask if you can have land set aside for your children before your case is decided. You also wish to be informed if an application for enrollment was filed in behalf of Sadie Percival, in the early part of the year 1900.

In reply to your letter you are informed that the Commission is not making any reservation of the land of the Choctaw and Chickasaw Nations for the citizens and freedmen of the said Nations.

You are informed, however, that if you will furnish a description of the lands which you desire to select in allotment for your minor children, proper notations thereof will be made upon our records and you will be notified in the event any other person makes application for the land or any portion thereof and will be permitted to file contest proceedings for its possession.

Replying to that part of your letter in which you ask if application was made in the early part of the year 1900, for Sadie Percival for enrollment as a citizen of the Choctaw Nation, you are

W. H. F. H

informed that it does not appear from our records that any application has been made to this Commission for the enrollment of Edwin Percival, infant child of W. H. Percival, as a citizen of the United States.

Respectfully,

SIGNED *Tamie Bixby*

Chairman.

Choctaw 2 255

COPY.

Mustang, Indian Territory, February 10, 1904.

William E. Percival,

Marlow, Indian Territory,

Dear Sir:

You are hereby advised that under direction of the Secretary of the Interior of November 18, 1903, and upon a protest filed with the Commission by the attorneys for the Choctaw and Chickasaw Nations dated January 23, 1904, no further action will be taken relative to the enrollment of yourself, your wife Harriett Ella Percival, and your children Jesse, Taylor, Forrest, Katie and Rebecca Percival, as citizens of the Choctaw Nation until the Commission is further instructed by the Secretary of the Interior.

Respectfully,

SIGNED T. B. Needles

Commissioner in Charge.

Choctaw R-225

COPY.

Muskogee, Indian Territory, May 11, 1904.

W. E. Percival,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of May 4, in which you state that you have been informed that no further action will be taken in your case until the Commission is further instructed by the Secretary of the Interior, and you wish to know if you should appeal to the Secretary of the Interior in this matter.

In reply to your letter you are informed that on March 28, 1904, the Secretary of the Interior overruled the protest of the attorneys for the Choctaw and Chickasaw Nations in the matter of the enrollment of yourself, your wife and your five minor children as citizens of the Choctaw Nation, and the Commission will, as early as practicable, take the same up for consideration and determination. As soon as a decision is reached in this case, you will be duly notified of the action taken therein.

Respectfully,

SIGNED *Tams Bixby*

Chairman.

COPY.

Choctaw R 283

Muskogee, Indian Territory, October 21, 1904.

W. H. Percival,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 16, asking if your children will be allowed to share in the Choctaw school funds.

In reply to your letter you are advised that the Commission has not yet passed upon your application for the enrollment of yourself, your wife and your children, as citizens of the Choctaw Nation. As to whether or not your children will be permitted to share in the Choctaw school funds, you are advised that this is a matter which does not come within the jurisdiction of this Commission, and for information on the subject you should address the Superintendent of Schools, for Indian Territory, Muskogee, Indian Territory.

Respectfully,

SIGNED *Jane Bixby*

Chairman.

Refer in reply
to the
following:

Land.
6664-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 21, 1905, transmitting the record of the application of William E. Percival for enrollment as a citizen by intermarriage, his wife, Narcissa Ella Percival and his five minor children, Jesse, Taylor, Forrest, Katie and Rebecca Percival as citizens by blood of the Choctaw Nation.

January 21, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants has ever been admitted to citizenship by any legal tribal authority of the Choctaw Nation or by any United States tribunal.

It is further shown that on September 9, 1896, in a case entitled Sarah Jane and Martha Ann Thompson vs. Choctaw Nation an application was made to the Commission to the Five Civilized Tribes for admission to citizenship by blood in the Choctaw Nation of Narcissa Ella Percival (as Narcissa Ella Thompson now Percival), Jesse Percival, Taylor Percival, Forrest Percival, Rebecca Percival and Katie

Percival, and on December 8, 1896, the Commission denied said application from which decision no appeal has been taken.

It further appears that on January 6, 1897, the last named applicants for admission made application to the so-called Board of Commissioners of the Choctaw Nation and were by said Board admitted as citizens by blood of the Choctaw Nation. It further appears that at said date the said Board had no legal existence.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.W.H.

YHE.

D.C. 13106-1906.
I.T.D. 1506-1905.
9487- "
13860- "
1313-1906.

April 5, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

On January 21, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of William E. Percival as a citizen by intermarriage, and of Narcissa Ella Percival, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival and Rebecca Percival as citizens by blood, of the Choctaw Nation, together with its decision of the same date, adverse to the applicants.

There is found in the record the testimony of William E. Percival, the principal applicant herein, taken at South McAlester, Indian Territory, at a date not shown. This testimony is too meager to warrant an adjudication of the case. It discloses, however, that the principal applicant and his wife have resided in the Choctaw Nation practically all of the time since 1884, and that their names appear upon the 1896 roll of the Choctaw Nation. The record is defective in that it does not contain sufficient testimony to

determine whether the applicants were entitled to such enrollment by blood and citizenship.

There is also found in the record what purports to be a copy of certain testimony taken February 10, 1903, relative to the 1896 roll of the Choctaw Nation. With the exception of the list of names appearing therein, this testimony is practically the same as that appearing in various other cases, including that of William C. Thompson. Similar testimony was taken under date of April 6, 1903, and made a part of the record in the Choctaw enrollment case of Napoleon B. Brashears, the subject of your report of January 9, 1906.

It is considered that this case is in all material respects parallel to the Brashears case. The latter, in view of the approved opinion of the Assistant Attorney General of July 10, 1905, was remanded "to permit the applicants in said case to present such additional testimony as may be necessary for a full presentation of the merits of their case."

You are instructed to make further investigation in the case now under consideration, to the end that information may be obtained showing fully whether the applicants are eligible to enrollment. Additional testimony should be taken showing whether or not the applicants who claim enrollment as citizens by blood are really of Choctaw descent. Their places of birth and residence should be ascertained, also the date of their removal to the nation and the

length of time they have resided therein. Such testimony as may be material to their case concerning their parents should also be taken.

You are requested to advise all parties in interest hereof and to inform them specifically as to the points to be investigated. In this connection your attention is directed to the action of the Department of September 30, 1905, referring for appropriate action, by stamp, various papers relating to this case which were filed with the Department under date of September 26, 1905.

There is inclosed herewith the record in the case, together with the affidavit of A. E. Folsom (I.T.D. 9487-05), and a letter from Mr. Percival (I.T.D. 1313-06), concerning his case. Said letter also shows his address to be Marlow, Indian Territory, which seems to be contrary to the address which you carry upon your records, inasmuch as a registered letter addressed to him at South McAlester was returned unclaimed. There is also inclosed a copy of Indian Office letter of February 10, 1905.

The decision of the Commission of January 21, 1905, in which the Indian Office concurred, is hereby set aside, and appropriate action is directed to be taken in accordance herewith.

Respectfully,

(signed) Thos. Ryan,
First Assistant Secretary.

4 inclosures.

Through the Commissioner,
Indian Affairs

7-B-225

COPY.
Muskogee, Indian Territory, May 16, 1906.

William H. Percival,
Marlow, Indian Territory.

Dear Sir:

You are hereby advised that on April 5, 1906, the Secretary of the Interior returned the record in the matter of the application for the enrollment of yourself, your wife and your children as citizens of the Choctaw Nation with instructions that the case be further investigated and readjudicated. You are therefore advised that the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of yourself and your family as citizens of the Choctaw Nation.

For your information there is inclosed herewith copy of Departmental letter of April 5, 1906, above referred to.

Respectfully,

SIGNED *Wm. O. Beall*

KB 6-16

Acting Commissioner.

7-R-228

COPY.

Muskogee, Indian Territory, May 16, 1906.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on April 5, 1906, the Secretary of the Interior returned the record in the matter of the application for the enrollment of William E. Percival and his family as citizens of the Choctaw Nation with instructions that the case be further investigated and readjudicated. You are therefore advised that the Commissioner to the Five Civilized Tribes will at his office in Muskogee, Indian Territory, at one o'clock P. M., Monday, May 28, 1906, hear the testimony of witnesses in support of the application for the enrollment of William E. Percival and his family as citizens of the Choctaw Nation.

For your information there is inclosed herewith copy of Departmental letter of April 5, 1906, above referred to.

Respectfully,

SIGNED *Wm. O. Beall*

EB 6-16.

Acting Commissioner.

7-R-225

Washkee, Indian Territory, October 5, 1906.

William E. Percival,

Rush Springs, Indian Territory.

Dear Sir:

Your letter of September 12, addressed to the Secretary of the Interior has been by him referred to this office for consideration and appropriate action. Therein you enclose communications from this office, under date of August 27 and 31, notifying you that you would be permitted to appear at the Chickasaw Land Office within nine months from these respective dates for the purpose of making application for the land described therein in order that you might institute contest proceedings therefor, if you so desire. There are also enclosed plats of certain lands and you ask to be advised if your selections will be held good in the event that you can show that the land was public domain and had no improvements at the time you took possession of same.

U.S.P. #2

In reply to your letter you are advised that this office cannot render opinions as to the rights of persons to particular tracts of land in the Ghostaw-Chickasaw country, until application to institute contest has been made and the case heard and taken up for final consideration and determination.

The communications and plate enclosed with your letter are herewith returned.

Respectfully,

AG 4-1.

Acting Commissioner.

7-3-225

1001

DOY

Muskogee, Indian Territory, January 10, 1907.

William E. Percival,

Rush Springs, Indian Territory.

Dear Sir:

Inclosed herewith you will find a copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 10, 1907, denying the application for the enrollment of yourself as a citizen by intermarriage of the Choctaw Nation, dismissing the application for the enrollment of your wife, Narcissa Ella Percival, and granting the application for the enrollment of your children, Jesse Percival, Taylor Percival, Forrest Percival, Katie Percival, Rebecca Percival and Narcissa Radie Percival as citizen by blood of said nation.

The decision, with the proceedings in the case is this day transmitted to the Secretary of the Interior for review. The final decision of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Jame Dixby

Commissioner.

Registered.
7-3-225
1001.



William C. Percival et al

DECISION MADE **JAN 21 1905**

REFUSED **JAN 21 1905**

COPY OF DECISION FORWARDED

APPLICANT **JAN 21 1905**

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS

JAN 21 1905

RECORD FORWARDED DEPARTMENT

JAN 21 1905

*See Bound record in
Franklin M. Cotton case.*

¹²
REFUSED **JAN 18 1907**

³¹¹⁻²
GRANTED **JAN 18 1907**

RECORD FORWARDED DEPARTMENT

JAN 18 1907

Not 3 to 7 incl. transferred to 7-6062-1/24/0

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAR 2 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS

MAR 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 16 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

MAR 16 1907

R. 228

Margaret Perets

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. O. R. # 101

MISSISSIPPI

R. 227

Hill Perets

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFER TO M. C. R. # 102

Doc A228 James Atkins

P 228

Commission to the Five Civilized Tribes,

South McAlester, Ind. Ter.

In the application of James Perkins for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A James Perkins.

Q How old are you? A Fifty-two.

Q Have ever you been on the Choctaw rolls? A No sir.

Q Were your father and mother ever on the Choctaw rolls?

A No sir. I think my father has been.

Q Your father was born in Tennessee, and lived and died in Texas?

A Yes sir.

Q Never lived here in the Territory? A No sir.

Q Where are you living? A In the Territory.

Q How long have you been living here? A Off and on ever since the War.

Q How much off and how much on? A I have been in the Territory longer than I have been out of it.

Q When did you come back the last time? A It has been something over a year.

Q What time? A I cannot state the date.

Q What month was it of last year? A I think it was in September of last year.

Q Where did you come from? A From Texas.

Q You had been living in Texas then? A Yes sir.

Q How long? A I have been living there ever since the War only what time I was here in the Nation.

Com'r McKennon: Enrollment is refused.

James Perkins, being re-called, states:

Q Did you make application to the Dawes commission in 1896?

James Perkins (A)

A No sir.

Q Did anybody make application for you? A If they did I didn't know it; I was in Texas at the time; if they made application I never heard of it.

(Com'r McKennon: Apparently white.)

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. D. Green

7-2-220

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Perkins for the enrollment of himself as a citizen of the Choctaw Nation.

--- D E C I S I O N ---

The record in this case shows that the applicant, James Perkins, appeared before the Commission at South McAlester, Indian Territory, at its session beginning September 4, 1899, and ending September 13, 1899, and then and there made personal application for the enrollment of himself as a citizen of the Choctaw Nation.

It appears from the evidence offered in support of this application and an examination of the tribal rolls of the Choctaw Nation in the possession of the Commission, that the applicant has never been enrolled as a citizen of the Choctaw Nation, nor does his name appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor does it appear that he has ever been admitted to Choctaw citizenship by the legally constituted authorities of the said Nation.

It further appears from an examination of the records in the possession of the Commission to the Five Civilized Tribes, that this applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, nor

(2).

by a decree of the United States Court in Indian Territory, in accordance with the provisions of the act of Congress of June 10, 1898, (39 Stats., 321).

It does not appear that the applicant has ever been married in accordance with the tribal laws of the Choctaw Nation to a recognized and enrolled citizen of that Nation.

The applicant had not, prior to June 28, 1898, removed to and in good faith settled in Indian Territory. The act of Congress of June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

For the purpose of protecting any rights the applicant might have as a Mississippi Choctaw under the provisions of the twenty-first section of the act of June 28, 1898, (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

the applicant was, on the 15th day of February, 1902, notified by registered mail that he would be allowed thirty days from that date in which to set forth that he claimed a right to identification as a Mississippi Choctaw. A copy of said notice is attached to and made a part of the record in this case. No response has been made by the applicant to said notice.

The act of Congress of June 28, 1898, (30 Stats., 495) provides:

(3).

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, (excepting Cherokees, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The act of Congress of May 31, 1900, (31 Stats., 221), provides:

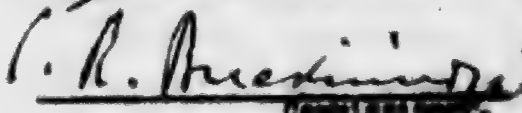
"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that James Perkins is not lawfully entitled to be enrolled as a member of the Choctaw Tribe of Indians in Indian Territory, and that his application therefor should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.


C. R. Buckmaster.
Commissioner.

Muskogee, Indian Territory.

MAY 19 1902.

Choctaw E 223

COPY.

Muskogee, Indian Territory, May 19, 1906.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,
South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James Perkins as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 inclosure

COPY

Mustoge, Indian Territory, May 15, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings in the matter of the application of James Perkins for enrollment as a citizen of the Choctaw Nation, including the decision of the Commission, dated May 10, 1902, refusing the application for the enrollment of James Perkins as a citizen of said nation.

Respectfully,

Acting Chairman.

1 inclosure.

Through the Commissioner
of Indian Affairs.

COPY.

Land.
30960-1902.

Department of the Interior,
Office of Indian Affairs.

Washington, June 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the record of proceedings in the matter of the application of James Perkins for enrollment as a Choctaw citizen. The Commission ruled adversely on this application.

From the testimony and record it appears that the applicant was never enrolled or recognized as a Choctaw.

The Commission had no authority to enroll said applicant, and I therefore respectfully recommend that its decision on this application be approved.

Very respectfully,

Your obedient servant,

A. C. TOMLIN,

Acting Commissioner.

E. S. S.
L.

COPY.

D.C.10319-1902.

F.

Department of the Interior.

I.T.D.3703-1902.

L.R.S.

Washington, June 19, 1902.

Commission to the Five Civilized Tribes,
Muskegee, I.T.

Gentlemen:

May 19, 1902, you transmitted the record in the matter of the application for enrollment of James Perkins as a citizen of the Choctaw Nation. You refused the application because Perkins has never been duly enrolled or admitted as a Choctaw citizen, and had not prior to June 28, 1898, removed to and settled in good faith in the Indian Territory. A copy of the Acting Commissioner of Indian Affairs' letter recommending approval of your decision, is inclosed.

The Department affirms your decision.

Respectfully,

F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Choctaw Nation.

Muskogee, Indian Territory, July 1, 1902.

James Perkins,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by you for the enrollment of yourself as a citizen of the Choctaw Nation.

Yours truly,

COPY. *I. B. Needles.*

Commissioner in Charge.

COPY.

Choctaw B-225.

Muskogee, Indian Territory, July 1, 1902.

Manfield, McMurray & Cornish,

Attorneys for Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 19, 1902, affirmed the decision of the Commission, dated May 19, 1902, refusing the application made by James Perkins for the enrollment of himself as a citizen of the Choctaw Nation.

Yours truly,

COPY. *I. B. Needles.*

Commissioner in Charge.

Reg $\frac{124}{121}$



Department of the Interior

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

James Perkins,

2212

McAlester,

Indian Territory.

Unclassified

COMMISSIONERS
HENRY L. DAWES.
TAMM BIRBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Chootaw No. R-228.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

In the matter of the application of }
James Perkins, for the enrollment }
of himself as a citizen by blood of }
the Chootaw Nation.

To James Perkins,

McAlester, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Chootaw under the act of Congress of June 28, 1898, which provides as follows:

"Said Commission shall have authority to determine the identity of Chootaw Indians claiming rights in the Chootaw lands under article fourteen of the Treaty between the United States and the Chootaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.

Such affidavit must be sworn to by yourself and by the corroborating witnesses, and must set forth the fact that you are a

J. P., 2.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your ancestors, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the Treaty of 1830, between the United States and the Choctaw Nation.



Commissioner in Charge.

Register.

Reg 842



Department of the Interior

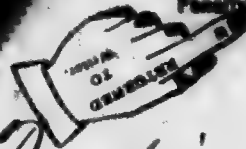
Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

UNCLAIMED



7817

James Perkins

South McAlester
I. T.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXIE.
THOMAS B. NEEDLES.
C. R. BRUCKNERIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

40-1019

REFER IN REPLY TO THE FOLLOWING

Choctaw R 228

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 19, 1902.

James Perkins,

South McAlester, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for enrollment as a citizen of the Choctaw Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Acting Chairman.

1 inclosure

Register



END
OF
ROLL

